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Understanding Counter-Terrorism Policy and Practice in the UK since 9/11

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Understanding Counter-Terrorism Policy and Practice in the UK since 9/11

Rizwaan Sabir

A thesis submitted for the degree of Doctor of Philosophy

**University of Bath
Department of Social and Policy Sciences**

March 2014

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Abstract

This dissertation is an examination of the UK's counter-terrorism policies and practices that have been adopted since the attacks of 9/11 in the United States. Using a theoretical framework of 'power' and 'hegemony' to guide the research, and an investigative research approach, the dissertation examines how the UK has, in the name of confronting an ideologically and religiously motivated global opponent, enacted a two pronged approach that integrates key aspects of counterinsurgency doctrine and practice. The first ties into the use of 'coercion' that is undertaken under the policy heading of 'Pursue' and covers activities that revolve around the use of policing, military, juridical and executive powers to investigate, prosecute and take preventative and pre-emptive action against suspected terrorists and the second ties into the use of 'propaganda' and 'communication' that is undertaken through the 'Prevent' policy, which attempts to challenge and counter those individuals who do not promulgate unlawful or violent views but support al-Qaida's grievances and ideology and are thus claimed to be more likely to become involved in terrorism. In order to inform Prevent activity, information and intelligence – a cardinal principle of counterinsurgency – is a prerequisite. This dissertation therefore shows how intelligence and information is collected and used by examining Prevent activity at UK universities. It then proceeds to contextualise counter-terrorism policy and practice through an examination of counterinsurgency doctrine, and in particular, 'strategic communication'. The dissertation argues that the integration of key elements of counterinsurgency doctrine into counter-terrorism policy and practice suggests that the policy, rather than being a mere response to terrorism, is an organised and strategic effort to use coercion and propaganda to control the behaviour and activity of Muslim communities and thereby constitutes a form of state-terrorism.

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List of Acronyms

AC – Assistant Commissioner

ACPO – Association of Chief Police Officers

ACPO TAM – Association of Chief Police Officers (Terrorism and Allied Matters)

ACT NOW – All Communities Together

AMOSSHE - Association of Managers for Student Services in Higher Education

ANPR – Automatic Number Plate Recognition

AQ – Al-Qaida

AQAP - al-Qaida in the Arabian Peninsula

ATCSA – Anti-Terrorism Crime and Security Act 2001

AUCSO - Association of Chief Security Officers

BHD - British Hajj Delegation

BIS – Department for Business, Innovation and Skills

BSA – British Sociological Association

CBRN - chemical, biological, radioactive and nuclear

CCC – Creating Caring Communities

CCTV – Close Circuit Television

CLF - The Community Leadership Fund

CLG – Department for Communities and Local Government

CONTEST – Counter Terrorism Strategy

CPS – Crown Prosecution Service

CRU – Central Referral Unit

CSC – Centre for Social Cohesion

CT – Counter-Terrorism

CTC – Counter-Terrorism Command

CTIU – Counter-Terrorism Intelligence Unit

CTLP – Counter-Terrorism Local Profiles

CTU – Counter-Terrorism Unit

DAC – Detective Assistant Commissioner

DOJ – Department of Justice

DPA – Data Protection Act

DPP - Director of Public Prosecutions

ECHR - European Convention of Human Rights
EEA - European Economic Area
EIW - Engaging with the Islamic World
ELG – Executive Liaison Group
EU - European Union
Europol – European Police Office
FCO – Foreign and Commonwealth Office
FOI – Freedom of Information
GCHQ – Government Communication Headquarters
GMP – Greater Manchester Police
HJS – Henry Jackson Society
HMIC - Her Majesty’s Inspectorate of Constabulary (HMIC
HT – Hizb ut-Tahrir
ICO – Information Commissioner’s Office
I-Ops – Information Operations
IRA – Irish Republican Army
JTAC – Joint Terrorism Analysis Centre
KLE – Key Leader Engagement
MCB – Muslim Council of Britain
MCU - Muslim Community Organisation
MCU – Muslim Contact Unit
MI5 – Security Services
MI6 - Secret Intelligence Service
MoD – Ministry of Defence
MPAC - Muslim Public Affairs Committee
MPS – Metropolitan Police Service
MSF – Muslim Safety Forum
NCSB - National Coordinating Office of Special Branch
NIM - National Intelligence Model
NMWAG – National Muslim Women’s Advisory Group
NUS - National Union of Students
NWCTU – North West Counter-Terrorism Unit

OSCT – Office for Security and Counter-Terrorism Unit
PAHELO - Police Association of Higher Education Liaison Officers
PBI – Projecting British Islam
PMLO – Police Military Liaison Officer
PNC – Police National Computer
PND – Police National Database
PSCO – Police Community Support Officer
PSNI - Police Service in Northern Ireland
PsyOps – Psychological Operations
RICU - Research, Information and Communication Unit
RMW – Radical Middle Way
SIAC – Special Immigration Appeals Court
SNP – Scottish National Party
SOCA - Serious Organised Crime Agency
SPO - Security & Partnership Officers
TACT – Terrorism Act
TPIM's – Terrorism Prevention and Investigation Measures
UCL - University College London
UUK – Universities UK
WMCTU – West Midlands Counter-Terrorism Unit
WMP – West Midlands Police
WRAP – Workshop to Raise Awareness of Prevent

Introduction

It was a clear blue sky on the morning of September 11 2001 (9/11) in downtown Manhattan. The working day for millions of New Yorkers was beginning as normal. For the passengers and crew aboard four civilian airliners, loaded with 11,000 gallons of jet fuel, however, it was nearing a catastrophic end. A carefully planned and coordinated hijacking, undertaken by 19 men, would result in two airliners being flown into the World Trade Centre and one into the Pentagon; symbols of US economic and military power. Just under 3,000 people died and thousands more were injured on 9/11, one of the deadliest acts of political violence undertaken by non-state actors.

The US is no stranger to acts of political violence by its non-state opponents. The World Trade Centre was the target of an attack in 1993, carried out by Ramzi Yousef, in which 6 people were killed. In the 1995 Oklahoma City bombing by Timothy McVeigh, 167 people died. In 1998, the US embassies in Tanzania and Kenya suffered coordinated attacks and in 2000; the USS Cole was attacked, resulting in the death of 17 US military personnel. However, the sheer scale of 9/11, the number of casualties and the fact that some of it was caught live on television made it much more resonant. As far as 'terrorist spectacles' go, 9/11 was it. The attack was also on 'home turf' and not in some distant or remote region of the world. More importantly, the most economically and militarily powerful nation was the subject of it. Its perpetrators and planners, claimed to be led by Osama Bin Laden were reportedly residing in the caves of Afghanistan. Countering Bin Laden and his organisation 'al-Qaida' would come to dominate counter-terrorism policing, intelligence and security agendas, in what is dubbed, the 'War on Terror', from 9/11 until present.

As condolences and messages of support were being sent to the American people, the UK Prime Minister, Tony Blair offered his own. 'This is not a battle between the United States of America and terrorism but between the free and democratic world and terrorism', he stated. 'We therefore here in Britain stand shoulder to shoulder with our American friends in this hour of tragedy and we like them will not rest until this evil is driven from our world'. (BBC News, 2001) Attacking this 'evil' would soon result in the UK joining the US led 'coalition of the willing' to fight a war in Afghanistan to, as President Bush repeatedly claimed, 'smoke out' al-Qaida and topple the Taliban regime that was said to be complicit..

On the home front, a new series of laws and measures were introduced by the UK parliament that would make it lawful to intern suspected al-Qaida propagandists and facilitators. Many had lived in the UK since the 1970s and 1980s but were now considered to be a threat to national security. In the post 9/11 world, the mantra was act first, think later. Arrests under the reinvigorated and permanent Terrorism Act 2000 in the immediate aftermath of the 9/11 attacks sky-rocketed and high-profile 'terror plots', that were being organised, it was claimed, by foreign nationals, were being reportedly 'thwarted' by the police and intelligence services.

Whilst foreign nationals were being investigated and interned, the US and UK governments were busy preparing for the invasion of Iraq. This time the target was Saddam Hussein, who was claimed to be supporting al-Qaida and was in possession of 'weapons of mass destruction'. (WMDs) Both claims were received with scepticism at the time and were soon revealed to be categorically.

The Iraq invasion had been launched by the UK despite advice from the security and intelligence agencies that an attack on Iraq would increase the likelihood of a terrorist attack in the UK. It was also launched despite the voice of 1 million anti-war protestors. Two years later, on 7 July

2005, (7/7) 'terrorism' arrived in the UK. The target was London's transport network and the method a series of coordinated suicide bombings undertaken by four British Muslim men. 52 people were killed and many others were injured.

In his 'martyrdom video' that was later made public, the ringleader of the group, Mohammed Siddique Khan, described his motivation for the attack: 'Your democratically elected governments continuously perpetuate atrocities against my people all over the world and your support of them makes you directly responsible, just as I am directly responsible for protecting and avenging my Muslim brothers and sisters', he declared in a thick West Yorkshire accent. 'Until we feel security, you will be our targets and until you stop the bombing, gassing, imprisonment and torture of my people we will not stop this fight'. (BBC News, 2005) 'We are at war', claimed Khan, 'and I am a soldier. Now you too will taste the reality of this situation'. (BBC News, 2005)

The words are chilling, but simple to understand. They claim that the bombings were a reaction to the violence undertaken by the UK and its allies and that altering the UK's foreign policy would 'reduce' the likelihood of future attacks. But this claim was widely rejected by the UK government, which preferred to describe the attackers in apolitical terms, as religiously driven. 'Strip away their fake claims of grievance and see them for what they are', claimed Tony Blair, 'terrorists who use 21st century technology to fight a pre-medieval religious war'. (Blair, 2005a) Blair was attempting to show that the attacks were not 'political'. As a result, he declared, 'the rules of the game are changing'. (Jeffrey, 2005) The 'new rules' would mean that UK counter-terrorism policy and practice would be structured to address 'new terrorism'.

New Terrorism?

'New terrorism' is claimed to be different from the 'old' terrorism of the national liberation movements of the twentieth century. (Hoffman, 1998; Lesser et al, 1999; Laqueur, 1999; Simon and Benjamin, 2000; Roy et al, 2000; Harmon, 2000) The 'new terrorism' thesis, in summary, considers al-Qaida to be a networked, as opposed to a hierarchical, structure, in which there is no strictly defined leadership, state sponsor or command. Instead, a set of individuals, united by a common purpose or a religiously inspired ideology, act in an ad hoc way, without the need for an infrastructure or direction from 'above'. The opponent, in other words, is claimed to be fluid, mobile, independent and thus more resilient in the face of detection and attack by the state when compared to 'old' terrorism, which relied on state sponsorship to some degree, had an infrastructure that was vulnerable to military attack and was structured into a hierarchical model. The absence of a leadership and state sponsorship means, it is claimed, that 'new terrorism' does not rely on receiving training or logistical support, but, instead, is self-taught and independent in terms of methods of attack and choice of targets, which makes it more dangerous since the consequences of an attack do not have to be accounted for, to either a leadership or a state sponsor. Advancements in information and communications technology, especially the internet and globalisation, has also made, it is claimed, terrorism more accessible, less reliant on significant resources or logistical support and made recruitment, fundraising and dissemination of messages to global audiences possible. Most importantly, 'new terrorism' is considered to be 'religiously' motivated as opposed to 'politically' motivated. The targeting of civilians, it is claimed, is not strategic but religiously driven in which killing non-combatants is akin to 'cleansing' a morally and culturally decedent world. As a result the new terrorism is claimed to be more likely to use chemical, biological, radioactive and nuclear (CBRN) weapons.

The 'new terrorism' thesis is problematic on many fronts. (Mockaitis, 2007; Field, 2009; Zimmermann, 2004; Spencer, 2006; Tucker, 2001; Whyte and Poynting, 1-11) Claiming that al-

Qaida is a 'new' form of terrorism, and presenting it in Manichean terms – 'us' vs. 'them' or 'good' vs. 'evil' – suggests negotiation or a political settlement is impossible, and conflict is the only option. 'There is no compromise possible with such people, no meeting of minds, no point of understanding with such terror', claimed Tony Blair, 'Just a choice: defeat it or be defeated by it' (Blair, 2001) The 'networked' structure of the movement generates the impression that 'terrorists' are everywhere and anywhere, lurking in the background, waiting for the right moment to attack suggesting an existential and more dangerous threat. The biggest problem, however, is the claim that religious ideology is the cause of the violence. If history started on the morning of 9/11, it would be easy enough to make this judgement, but history, to point out the obvious, did not start on 9/11. The attacks have a historic, social and 'political' context that cause non-state actors to use 'terrorism' and viewing them in this context, as opposed to labelling it 'new terrorism' and viewing it as a 'tactical' problem, is critical to understanding their causes and solutions.

'Decontextualizing' Political Violence

There are, however, significant advantages in representing non-state political violence in a decontextualized and depoliticised fashion, notably because the state's use of political violence, which has a significantly higher and more lethal, can be put forward in decontextualized and apolitical manner itself. (Whyte and Poynting, 2012, 1-11) The state's use of political violence is therefore represented as a mere responsive set of policies and programmes that attempt to counter the threat of terrorism as opposed to being strategically motivated and tactically driven in order to sustain and increase power, domination and control of populations and territories. (Whyte and Poynting, 2012, 1-11) The wars in Afghanistan and Iraq are not therefore undertaken to increase control of overseas territories, secure political, economic and military interests or expand political power but are, instead, 'defensive' wars that are fought to protect the West from 'terrorism' and 'weapons of mass destruction'. On the home front, highly

discriminatory, repressive and sweeping counter-terrorism powers, activities and operations are not about enacting influence in order to control and dominate the population and communities or about controlling the will to dissent or resist state power but are about preventing ‘potential terrorism’, the spread of an ‘evil’ ideology and about defending ‘our way of life’, ‘our freedom’ and ‘our values’. In simple words, there is a context behind the political violence that is employed by the state but the concept of ‘counter-terrorism’ conjures up images of a ‘reactive’ and ‘responsive’ programme of action as opposed to a ‘proactive’ and strategic programme that is used to increase political power and control of populations and territories.

Research contribution

An established body of research that is termed ‘terrorism studies’ has been largely responsible for restricting the scope of the debate on ‘terrorism’ because it ultimately claims that ‘terrorism’ is a phenomenon that is largely employed by non-state actors. It thus fails to acknowledge the existence of ‘state-terrorism’. (Herman and O’Sullivan, 1989; Chomsky and Herman, 1979; Herman, 1982; Schlesinger, 1978; George, 1991) This dissertation fits within a critical approach to ‘terrorism studies’ but contributes more directly to the body of literature, commonly termed ‘critical terrorism studies’, in which the use of political violence by the state is considered to be ‘state-terrorism’. (Blakeley, 2007; 2009; Jackson et al, 2009, 2010; Whyte and Poynting, 2012) However, it makes a particular contribution to this body of literature by addressing the form of state-terrorism that arises as a result of integration between counter-terrorism and counterinsurgency. Some work has been undertaken on the synergy between counter-terrorism and counterinsurgency in a global context (Whyte & Poynting, 2012), and some which relates specifically to the conflict in the North of Ireland. (Hocking, 1988, 1993) This dissertation expands and updates this literature but in reference to the UK’s domestic ‘post 9/11’ policies and practices.

Understanding the integration between counter-terrorism and counterinsurgency is important in order to understand the repercussions on innocent people and communities who are involved in lawful activity, such as dissent and political protest. This is because counterinsurgency perceives such activity, even if lawful, as being part of the same spectrum as 'terrorism' and indicative of 'potential terrorism'. In this sense, this thesis contributes to a second body of literature that discusses 'criminalisation' of dissent and protest, and the construction of 'suspect communities'. (Hickman et al, 2011; Hillyard, 1993; Pantazis and Pemberton, 2008, 2009; Kundnani, 2009; 2014) However, it makes a particular contribution by examining whether criminalisation of innocent activity and the construction of 'suspect communities' is an accident or an inevitable result of an integrated approach.

Whilst there have been a number of studies that examine UK counter-terrorism policy, notably the Prevent strategy, this body of literature consists largely of analysing and examining the approaches and tactics that have been employed to counter or 'prevent' terrorism as opposed to examining the context and reasoning behind their formulation and implementation. (Spalek and McDonald, 2008; Lambert, 2009; Spalek et al 2009; Spalek 2012; Thompson, 2009) This body of literature, in other words, takes it as a given that counter-terrorism comprises of 'responsive' tactics that the state must employ in order to protect itself from the threat of terrorism and in this sense is focused on examining whether such policies and measures comprise, in extremely simplistic terms, 'good' or 'bad' counter-terrorism practice, and if not, how they can be improved. The concept of 'counter-terrorism' nor its purpose or theoretical foundations are critiqued. Rather, it focuses on analysing and critiquing whether the policy is counterproductive insofar as it relates to undermining community trust and 'partnership' work with Muslim communities.

Examining the integration between counter-terrorism and counterinsurgency is therefore an attempt to take the practices and policies of the UK outside of the ‘responsive tactical framework’ and to examine them in their ‘strategic’ context, that is to say, through the theoretical framework of counterinsurgency. Such an examination helps contextualise the state’s use of political violence and coercion is targeted at large sections of the population; thus helping understand whether such measures and tactics are the result of ‘bad’ counter-terrorism practices or whether they are, in fact, strategically designed and motivated acts. It is in this sense that this thesis makes a unique contribution to the study of policy.

Dissertation Breakdown

In order to do so, this dissertation is divided into six chapters. Chapter one opens by placing the study of counter-terrorism into the theoretical framework of ‘power’. The chapter argues that it is essential to theorise counter-terrorism policy and practice through power because the concept provides a suitable explanation as to how control and domination that is exercised over subaltern classes operates – in overt and in hidden ways. Attention is paid to the use of observable power, notably that of force and threats of force (coercion) and unobservable power, that is to say ‘hegemony’, or the ‘third-dimension’ of power. Attention is also paid to why individuals comply with systems of hegemony and why political violence as a form of counterhegemony does not garner widespread support, even if the grievances espoused by ‘terrorists’ are believed to be credible by the population or community.

Chapter two documents the methods that have been employed in this study. The chapter commences in a slightly unusual manner in that it explains the motivations for undertaking research on UK counter-terrorism by declaring the authors personal experience of being falsely detained as a suspected ‘terrorist’ for being in possession of an open-source document for academic research purposes in 2008, his eventual release without charge, the fall-out from this

arrest and detention and the subsequent legal proceedings he brought against the police for false imprisonment. This issue is declared at the onset because it had an influence on the data-collection process, methods, research approach and data analysis techniques employed in this thesis. The chapter also discusses the use of cooperative and investigative research methods, the inevitability of relying on such methods when researching ‘the powerful’ or issues pertaining to ‘national security’ and the benefits and drawbacks of such methods. The data analysis technique of ‘triangulation’ and the benefits of such an approach when researching counter-terrorism is also examined.

Chapter three examines the UK’s domestic counter-terrorism policies and practices since, and in response to, the attacks of 9/11 and 7/7 under the policy heading of ‘Pursue’. A brief comparison is made between the tactics employed by the IRA and al-Qaida, and how a perceived difference in tactics and motivations has led to the enactment of extremely broad and exceptional powers in which pre-emptive action and preventative incapacitation, along with an increased focus on intelligence collection and surveillance – all cardinal principles of counterinsurgency – have been integrated into the counter-terrorism structure since 9/11 and 7/7. In particular, the chapter examines how foreign nationals were the subject of investigation and exceptional measures such as internment, and how the London bombings altered the threat perception, and the subsequent response of the state. The chapter argues that the use of exceptional measures shows how domestic counter-terrorism policies, practices and laws are closely based on key counterinsurgency principals.

Chapter four is an examination of the ‘Prevent’ policy, which aims to counter the ‘extremist’ ideology, that is to say, those views and opinions which are not unlawful but are claimed to go against ‘shared British values’ and are responsible for leading to ‘radicalisation’. The chapter examines how ‘mainstream’ Islam has been supported and promoted by the government as a

way of countering ‘extremist Islam’, and how the government has attempted to build the ‘capacity’ of Muslim communities and organisations, and ‘key voices’ such as Muslim women, as a way of undermining ‘extremism’. The chapter also examines the activities of the government funded Quilliam Foundation, which has been an influential player in encouraging the implementation of a ‘counter-subversion/insurgency’ approach to counter-terrorism, and how this approach has manifested itself in practice by examining the Channel de-radicalisation programme. The chapter argues that Prevent’s overarching focus on ideology, along with its focus on the countering of non-violent ideas substantially underplays the role of foreign policy and political grievances, and helps construct the Muslim community as a ‘suspect community’, whilst criminalising lawful dissent and protest.

Chapter five is an examination of the Prevent programme on university campuses but in its capacity as an information and intelligence collection programme. The chapter examines how the Prevent programme has been closely aligned to crime-prevention and neighbourhood policing models in order to utilise the pre-existing relationships that exist with universities for intelligence purposes, and how new roles, such as designated campus police officers, have been created in which one of the responsibilities is to collect intelligence on the alleged threat of terrorism and individuals deemed to be ‘potential terrorists’. The chapter also pays attention to the manner in which university members are trained to ‘spot’ and pass intelligence to the police on ‘potential terrorists’ by using behavioural and psychological indicators. The chapter argues that the incorporation of universities into the Prevent programme has a series of damaging consequences, the criminalisation of innocent people and innocuous activity, the collection and storage of intelligence on these innocent individuals and their activities and the reinforcement of negative perceptions that Muslims are an ‘enemy within’.

Chapter six is the penultimate chapter which examines counterinsurgency doctrine and practice; enabling the policies, approaches and tactics that have been employed for countering terrorism in a domestic context, as examined in chapters three-five, to be strategically contextualised. The chapter opens by defining the terms ‘insurgency’ and ‘counterinsurgency’ before examining the work of influential and contemporary counterinsurgency theorists, who consider al-Qaida to be a globalised insurgent movement that attempts to exploit legitimate grievances held by Muslim populations and communities to generate support for its activities. The chapter shows how such an understanding of the perceived threat has fed into counter-terrorism policy and practice, notably the use of exceptional (but legal) force and the use of propaganda and ‘strategic communication’. The importance assigned to the collection of intelligence and information – a cardinal principle of counterinsurgency – is examined, and how this intelligence, coupled with academic research, is used to inform the crafting of ‘strategic communication’. The roots of this practice, as contained within counterinsurgency doctrine, are examined. The chapter also examines the activities of the UK’s lead ‘strategic communication’ unit – the RICU – which leads on the Prevent programme.

The dissertation concludes by summarising how the integration between counter-terrorism and counterinsurgency means that the methods and tactics being used are based on wartime emergencies and means that ‘normal’ liberal democratic rules are excluded and side-lined in order to enable the use of exceptional and highly coercive practices. The problem, of course, is that counterinsurgency is war and war operates to influence people through sophisticated and complex programmes of coercion in order to dominate and control them. In this sense, counter-terrorism serves as a convenient and gentle term to describe highly lethal and coercive policies and practices that are more akin to a form of ‘state terrorism’ rather than a response to ‘terrorism’, as the world implies.

Chapter 1

Theorising 'Power' and Counter-Terrorism

Introduction

The purpose of counter-terrorism, at its simplest, is to stop acts of political violence or 'terrorism' from occurring and to ensure populations/communities do not support the 'terrorists' and their cause(s). In this sense, counter-terrorism is as much about getting 'terrorists' to do something that they do not wish to do (i.e., stop the use of violence), and where the wider population is concerned, to stop them also from doing something that they may not wish to do (i.e., providing any direct or indirect support to the 'terrorists'). The theory of 'power' is therefore a useful way to conceptualise the manner in which counter-terrorism operates. This is because 'power', at its simplest, revolves around a 'paramount agent', usually referred to as a 'principal' or 'power-holder', affecting the actions and decisions of a subordinate agent, usually referred to as a 'subaltern' or 'power-subject', in order to cause them to do something that they would not otherwise do. (Scott, 2001, 1) In simple words, if the principal is A, and the subaltern is B, power is exercised when A can get B to do something that B would not otherwise do. This is a very simple understanding of power, but understanding exactly 'how' A can get B to do something that B would not otherwise do is the key question. If one can understand this, one can understand how counter-terrorism policy and practice operates.

In order to understand 'how' power operates, this chapter opens with a brief discussion of the three 'dimensions' of power, which contend that power can operate in observable and unobservable ways. The chapter then proceeds to examine power in which there is overt conflict in reference to the use of force and coercion, which is based on the capacity to impose 'physical restrictions or emotional suffering' on power-subjects. When the use of force is communicated,

threats of force arise which can also be used to cause an alteration in behaviour/actions without having to be directly employed. In this sense, communication can be coercive, and can serve as a vehicle for exercising power.

Though force may cause compliance and obedience, it does not prevent or hinder the emergence of conflict. In fact, it may have the opposite affect because of its alienating and coercive makeup. An example would be useful here. Though an individual may be prevented from challenging the power of the principal because they have been subjected to a physical restraint such as imprisonment, this does not remove the desire within the individual to challenge or resist the principal's power. Neither does a threat of force stop an individual from, for example, indirectly supporting a 'terrorist'. Subjecting individuals to force and threats of force in this sense may well increase the desire of individuals to challenge the principal due to its alienating effect. Therefore, whilst force may lead to 'compliance', it does not necessarily lead to 'consent' for the principal's power. As a form of power, it is considered to be limited in what it can achieve. The principal therefore attempts to generate 'consent' for its power by employing force in a limited way and, instead, aims to shape the desire and interests of subalterns through 'hegemony' in order to prevent conflict from arising.

In systems of hegemony, power is exercised in hidden and indirect ways; hence there is no overt conflict. Consent of subaltern populations is secured in a manner in which they feel their actions have been arrived at freely as opposed to being moulded by the principal, largely through civil society. However, if a system of hegemony keeps subaltern classes in a subordinate position, why do they consent to unequal and unfair power-relations? The chapter answers this question by examining the work of Antonio Gramsci, whose work notes that due to the control the dominant strata maintain over civil society and the coercive apparatus, along with the relative freedom provided to subaltern classes in advanced capitalist nations such as the UK, subordinate

classes come to believe that their interests lie in consenting to unfair and unequal relations of power and believe their decisions have been arrived at freely as opposed to being moulded by the principal through civil society. Relying largely on the use of hegemony as opposed to force is what counter-terrorism and counterinsurgency theory and practice is also based on. This is best summarised by the French counterinsurgency practitioner and theorist David Galula who notes: '[counterinsurgency] war is 80 percent political action and only 20 percent military'. (Galula, 1964, 66) Whilst counterinsurgency theory and doctrine can therefore be integrated into a discussion of hidden power or hegemony, a separation between the two is drawn to maintain presentational clarity and to ensure counterinsurgency theory can be discussed in an appropriate amount of detail in the final chapter to help readers understand and contextualise its synergy and connection with counter-terrorism policy and practice (as examined in chapters 3, 4 and 5).

Once hegemony or 'hidden power' has been analysed, the chapter then proceeds to examine the work of James Scott (1990), who claims that in systems of hegemony, individuals and groups 'comply' as opposed to 'consent' because they fear the consequences of resistance; not because they are interpellated into the principal's frame of reference or because they are 'falsely conscious'. Scott's thesis is critiqued and its shortcomings highlighted, notably on the point that even though individuals may not be interpellated into the principals frame of reference, hegemony creates an idea that working within, and towards improving, the existing system can lead to a change in favour of subaltern classes (i.e., 'false consciousness'), and that because terrorism operates outside the 'rules of the game', that is to say, it bypasses the avenues that are claimed to exist for addressing grievances within the existing system in favour of employing violence, there exists an element of consent/acceptance for the principal, and its use force against 'terrorists' and their perceived supporters.

Challenging and resisting hegemony, or being involved in ‘counterhegemony’, in accordance with the ‘rules of the game’, however, comes with its own set of problems, notably co-option and dependence on resources, which the principal can use to get subalterns to behave in a manner that is in its interests as opposed to the subaltern’s. The chapter thus examines how counterhegemony, unless manifesting itself through direct violent confrontation with the hegemon, has a high potential of becoming co-opted; leaving grievances unaddressed and creating conditions in which violence becomes more attractive. Finally, the chapter examines the manner in which civil society, though it seemingly provides some element of freedom to subaltern classes to organise and resist hegemonic domination, has not only been pierced by the state but how it is being manufactured to maintain its power and interests. The chapter concludes by providing research questions and hypothesis that this dissertation will examine

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Observable & Unobservable Power

The ‘first-dimension’ of power is premised on the exercise of power that involves observable conflict as a result of decision-making. However, power does not have to be exercised in order to bring about a desired result. This is because power is, at its core, a ‘capacity’ to produce a desired result, not the exercise of a capacity. (Scott, 2001, 5; Wrong, 1979, 1) An example might be useful here. If A holds a nuclear weapon, A holds the capacity to obliterate B. A does not have to exercise this capacity for B to understand this. Merely holding the capacity (so long as B knows about it) is enough to cause an alteration in B’s behaviour; implying that A can get B to act in a desired way based merely on the capacity to employ a nuclear weapon as opposed to employing it. In understanding counter-terrorism, the first ‘dimension’ of power is useful because it incorporates the use and threat of force (i.e., coercion) and the providing of inducements and rewards.

The second 'dimension' of power accepts the thesis of the first - i.e., that A exercises power over B by making decisions that affect B in an observable manner - but adds a second component concerning the exclusion of issues from being publicly aired. Thus power is 'the extent [to which] a person or group – consciously or unconsciously – creates or reinforces barriers to the public airing of policy conflicts'. (Bachrach & Baratz, 1970, 8) Creating a barrier to the public airing of issues is an act of 'nondecision-making.

The first-dimension of power is therefore concerned with the making of decisions that lead to an observable exercise of power whilst the second-dimension is concerned with preventing issues coming onto the political agenda through nondecision-making. Both dimensions imply that observable conflict must be present for power to be in motion, and that the lack of conflict or grievance implies consensus for power. Both 'dimensions', however, fail to accommodate the possibility that power can be at work so as to prevent the emergence of conflict in the first place. Power can operate in hidden ways in which subalterns remain unaware that they are having power exercised over them; believing that their actions and decisions are 'free' as opposed to being moulded by the principal. The use of manipulation and authority would be examples of forms of power in which there is no observable conflict. This is the third 'dimension' of power.

The third-dimension of power accepts that power is the holding of a capacity to get B to do something that B would not otherwise do but adds that power is the capacity to prevent conflict from arising 'by influencing, shaping and determining [B's] wants'. (Lukes, 2005, 27) In other words, A exercises power over B by influencing, shaping or determining B's preferences, interests and desires which prevents conflict from arising; implying that the exercise of power does not require observable conflict, as the first and second dimensions hold. To claim that actual conflict is necessary to power, notes Lukes, 'is to ignore the crucial point that the most effective and insidious use of power is to prevent such conflict from arising in the first place'.

(2005, 27) 'The claim that a lack of grievances also implies consensus for the principal is also problematic, according to Lukes, because it 'rule[s] out the possibility of false or manipulated consensus'. (2005, 28) Indeed,

one does not have to go to the lengths of talking about *Brave New World*, or the world of B. F. Skinner to see this: thought control takes many less total and more mundane forms, through the control of information, through the mass media, and through the processes of socialization. (Lukes, 2005, 27)

It is vital that any analysis of power, especially where matters concern counter-terrorism and counterinsurgency, understands how power is used to prevent conflict from arising by shaping, determining and influencing the desires and wants of subalterns (the third-dimension). This is because a substantial component of counter-terrorism and counterinsurgency activity is based on influencing subalterns through information, ideas and actions – and sometimes through amalgamating all three – to accept certain policies and practices as being required, appropriate and in the common interest so as to prevent resistance/conflict/challenge from arising. Therefore, whilst the overt and observable exercise of power through the use of force and coercion – the first 'dimension' – is central to a study that is involved in examining counter-terrorism policy and practice, unobservable power – the third 'dimension' – is also important because it allows an understanding to emerge of the UK's approach to countering 'terrorism', which is based to a great extent on preventing conflict from arising through influence, information and communicatory activity. The chapter now turns to examining the way in which power is exercised through the use and threat of force, or coercion, which form central pillars of counter-terrorism and counterinsurgency practice.

Force and the State

‘Terrorism’ is defined in UK law as ‘the use or threat [of violence that] is designed to influence the government ... or to intimidate the public or a section of the public ... for the purpose of advancing a political, religious, racial or ideological cause’. (HM Government, 2000)

If one removes ‘the government’ from this definition, the state’s use of violence can be claimed to be ‘terrorism’, considering that the state also employs violence for such purposes. However, the term ‘terrorism’ or ‘terrorist’ is reserved for opponents of the state because ‘the state’ is the only entity that maintains the claim to hold a monopoly on the use of ‘legitimate’ violence in the maintenance of order in a given territory. (Herman and O’Sullivan, 1989; Chomsky and Herman, 1979; Herman, 1982; Schlesinger, 1978; George, 1991) Indeed, the ‘state’ is defined according to this premise. Not only is the state a structure that contains institutions and personnel that centrally control a given sovereign territory and who hold the sole right to legislate but it is the only entity that holds a monopoly on the legitimate right to employ violence. (Weber, 1946, 77-128; Scott, 2001, 31; Mann, 1984; 187-8) As a result, when confronted with direct challenge or confrontation, the state is ‘lawfully’ permitted to employ violence. In counterinsurgency and counter-terrorism campaigns, the use of ‘force’ (authorised through the law) is a central way through which the state exercises its power. But what is force and how does it operate?

Force is the most direct and observable form of power and revolves is used consciously and intentionally for the purpose of bringing about a desired change. As a form of power, however, it revolves around the capacity to use violent and non-violent methods (i.e., coercion) (Scott, 2001, 13) In this sense, force not only concerns the capacity to employ direct violence but also the capacity to discipline subalterns without having to use force directly. This is because the capacity to employ force leads to threats of force, and therefore force (without it being directly exercised) can make subalterns self-discipline their behaviour to ensure they do not become the subject of

direct force/violence. It is therefore worth noting that when the term ‘force’ is being used in this thesis, it is being used in a two-pronged sense – the capacity and employment of direct violence which inevitably leads to the creation of threats of force, which makes subaltern self-discipline.

Force is exercised through ‘physical obstacles’ that restrict ‘the freedom of another [and revolve around] the infliction of bodily pain or injury, including the destruction of life itself’. (Wrong, 1979, 24) In a counter-terrorism/counterinsurgency context, it will therefore include actions such as shootings, bombings and targeted killings as well as the use of arrest, detention, internment/imprisonment/control orders/TPIM’s. As a form of ‘disciplinary power’, as Foucault (1977) would have it, force revolves around the use of those measures that discipline subalterns into behaving in a particular way without them being directly subjected to violence. Strategic communication and propaganda in which acts of force are communicated and cause individuals to alter/self-discipline their behaviour is one example. The other is ‘surveillance’. This needs explaining.

Surveillance threatens subalterns into compliance and gives the principal a permanent visibility without direct violence/force being used. This is because if subalterns believe they are under surveillance - i.e., they are being watched and will be subjected to force if they ‘step out of line’ - they are likely to alter their behaviour in a manner that they believe will be acceptable to/unnoticed by the principal to remove the chance of being subjected to force. In essence, a ‘panoptical effect’ is created, which, Foucault notes, ‘induces in the [subaltern] a state of conscious and permanent visibility [of the principal] that assures the automatic functioning of power’. (1977, 201) According to Bentham, the founding father of the panopticon, power should be ‘visible’ and ‘unverifiable’. (Cited in Foucault, 1977, 196) Though Bentham was discussing his ideas in relation to a panopticon, his analysis is relevant here. A significant amount of surveillance is ‘visible’; meaning that though subalterns may be aware ‘how’ they are

monitored and surveilled by the principal, be it through CCTV or ANPR cameras, listening devices or through overtly or covertly dressed police officers (just as inmates in a panopticon system are aware that the watchtower may be watching them), subalterns can never be 'certain' that they are the subject of surveillance (in the same way that inmates can never be certain that the watchman in the tower is watching them). However, understanding that one 'may' be under surveillance is enough to cause one to alter his/her behaviour in a manner perceived to be acceptable to the principal in order to ensure they do not become the subject of direct state violence. In essence, surveillance gives the principal 'visibility', and reinforces threats of force, hence, according to Wrong, 'information-gathering and espionage organisations must be added to the [principal's] investment in the means of violence'. (Wrong, 1974, 43-4) In essence, information and intelligence gathering through surveillance is an extension of, and a prerequisite to, force.

Every act of force that is employed, when communicated or witnessed, gives a message to a wider population that acting, or failing to act, in a particular way, will lead to the use of force. Force, when communicated, therefore has an ability to cause an alternation in behaviour despite it not being employed widely or directly against subalterns. An example would be useful here. When the state executes a high-profile anti-terror operation and detains 'suspects', for example, this act, when communicated, conveys a message to a larger audience that they can also be subjected to similar forceful measures if they do not comply with the desires or demands of the principal – i.e., they are 'threatened'. Force in this sense, notes Wrong, is not used merely to 'eliminate somebody's capacity to act' but is also used to establish in the mind of the subaltern 'the future credibility of the [principal's] willingness and capability to use force'. (Wrong, 1979, 27) Force is therefore used as a capacity to incapacitate opponents and cause compliance and affect a change in the behaviour of subaltern populations without it being widely or directly used.

In this sense, communication that relays information about the use of force is coercive and can be employed to make subalterns do something that they would not otherwise do. The communicative practice of 'strategic communication' is involved in this, as shall become clearer in chapter six, because it employs 'intentional' force in order to communicate threats in order to influence populations to behave or not behave in a particular way. This makes it a highly coercive communicative practice that can be better understood through the term - 'armed propaganda'. Indeed, the use and threat of force requires minimum communication. 'The brandishing of a weapon', notes Wrong, 'is easily understood by men of utterly diverse cultural backgrounds'. (1974, 42)

Though the use and threat of force can cause subalterns to alter their behaviour or self-discipline, threats of force do not necessarily deter subalterns from challenging the principal. Indeed, because of its highly coercive nature, force, especially in the form of direct state violence 'cannot so easily be used in positive ways' and is almost always going to be experienced by subalterns 'in alienating ways'. (Scott, 2001, 14) Indeed, it is therefore 'likely to arouse feelings of hostility and acts of resistance'. (Scott, 2001, 14) However, the failure to employ force by the principal increases the likelihood of subalterns mounting resistance to the principal.

'A coercive structure of leadership', writes John Scott, 'cannot be sustained unless a principal does occasionally exercise force'. (2001, 18) The principal must therefore employ force in order to ensure that the appropriate threat of force is communicated in order to deter a wider group of subalterns from mounting a challenge to its power. Force is therefore not only exercised selectively and in a targeted fashion by the principal in counter-terrorism and counterinsurgency campaigns to incapacitate or punish those who violently challenge the state but is also used to give credibility and 'visibility' to threats of force. The threat of force, writes Boulding, 'depreciate with time if threats are not carried out'. (1969, 288) In essence, limited and precise acts of force

lead to threats of force which causes a much larger group of subalterns to comply without having to be subjected to force directly, but in order to generate threats of force, actual force must be exercised. Merely holding the capacity to employ force is not enough to always cause compliance. Although the use of force, especially in its capacity as a tool to discipline wider populations may lead to obedience and compliance to power, it does not lead to 'consent'. In order to therefore generate consent, as the next section now examines, the principal attempts to shape and mould the consent of subalterns through 'hegemony' to reduce the emergence of challenge and the requirement for it to employ force on a large-scale.

Hegemony

Hegemony is a form of power that based on using a combination of coercion and consent in order to protect and sustain political and civil society, which equals 'the state' for Antonio Gramsci, the founder of the concept of 'hegemony'. Political society and civil society reinforce one another and assist the dominant strata maintain dominance over subordinate groups by interpellating them into a hegemonic ideology that is protected by the state's capacity to use coercion and violence. Civil society is not the realm of 'freedom', but the sphere in which consent for a hegemonic system of power is secured and maintained. (Buttigieg, 1995, 6-7, 26)

'The massive structures of the modern democracies, both as State organisations, and as complexes of associations in civil society', notes Gramsci, 'constitute for the art of politics as it were the "trenches" and the permanent fortifications of the front in the war of position.'

(Gramsci et al, 1971, 243)

In essence, the maintenance of a dominant position in civil society, is equally, if not more, important for the state than control over the capacity to employ coercion and violence through the 'repressive state apparatus'. Whilst control over the repressive state apparatus permits the

state to use coercion and violence to force compliance to its rule, the role played in civil society not only protects the principal from the consequences of an attack or an attempted *coup d'état* but very likely prevents, or reduces the chances of such issues arising. (Buttigieg, 1995, 31

However, despite the control that the state maintains over civil society, it must still meet the interests and desires of subalterns to some degree in order to maintain its position of dominance and to secure their consent, whilst minimising the emergence of conflict. If a system of hegemony only ever met the interests of the powerful, or the dominant strata, and ignored the desire and aspirations of subalterns, the system would be unworkable. Instead, meeting the interests of subordinate classes arguably creates a sense of fairness and reasonableness, which in turn strengthens the principal's hold on power and prevents the likelihood of conflict from surfacing. According to Buttigieg, Gramsci believed that subordinates did not come out in open rebellion in advanced capitalist countries such as the UK because

the government, though controlled by the bourgeoisie, still protects the basic rights of the working class and allows it the social space to organize itself and compete for government power. The social policies of the liberals in Britain, for instance, assumed the form of what Gramsci describes as a "kind of bourgeois state socialism - i.e., a non-socialist socialism." Their posture was such that "even the proletariat did not look too unkindly on the state as government; convinced, rightly or wrongly, that its interests were being looked after, it conducted its class struggle discreetly and without the kind of morale exasperation that is typical of the workers movement." ... In Germany, as in Britain, the subaltern classes do not have to resort to desperate measures such as taking to the streets in open rebellion to secure their basic rights. Why? Because in those countries, "one does not see the fundamental laws of the states trampled on, or arbitrary rule hold sway." In other words, these are states where the rules of the game are carefully

observed; hence, there is a sense of order and stability. And, as Gramsci observes, common sense ... inhibits people from disrupting the orderly status quo and makes them scared of the uncertainties that accompany radical change. (1995, 12)

In essence, the state in advanced capitalist nations such as the UK secures the consent of subalterns by meeting their interests to some degree and observes a set of 'rules', which induces in them some level of trust in a hegemonic system of power and the dominant ideology, leading to an acceptance of the principal's power and a hegemonic system more widely. However, though hegemony works to reduce the likelihood of direct confrontation because the interests of subaltern classes are met to some degree, the dependence that hegemony has on coercion shows that 'fear' plays a role in the generating consent and compliance. Generating consent through civil society, in other words, is closely supported through a threat of coercion; hence Gramsci notes - 'consent is protected through the armour of coercion'. This fear or threat of coercion is what makes the work of James Scott (1990) important in theorising and understanding counter-terrorism policy and practice. It also allows his theory to be synthesised with Gramsci's to some, but by no means all, extent. This is because Scott's thesis contends that people comply with a system of power because they fear the consequences of non-compliance. They are afraid, in other words; not interpellated into the principal's frame of reference. Though Scott's work largely comprises of studying power-relations through examples that revolve around slavery, serfdom, racial domination and untouchability – or instances of 'direct' power – his theory is useful because it shows the role that 'fear' and threats plays in generating obedience/compliance to power. Where Scott's thesis differs from Gramsci is on the idea of 'false consciousness'. The following section examines Scott's reluctance to accept the concept of 'false consciousness' and critiques it on the ground that whilst his emphasis on fear as a method of generating obedience/compliance to power is important, because of the cases he bases his theory on – slavery, serfdom, racial domination and untouchability – he overemphasises the role that fear

plays in a hegemonic system of power and does not give enough consideration to false or manipulated consensus that a system of hegemony is overwhelmingly reliant upon.

False Consciousness – ‘thick’, ‘thin’ and ‘paper’ levels

According to Scott - who critiques false consciousness - individuals who are subjected to hegemony comply not because they are falsely conscious but do so out of prudence and strategy as they fear the consequences that non-compliance will lead to. (1990) To support his thesis, Scott uses the concepts of the ‘hidden transcript’ and the ‘public transcript’. The hidden transcript is an account of the ‘discourse that takes place ‘offstage’ beyond direct observation of the powerholders ... [and] consists of those offstage speeches, gestures, and practices that confirm, contradict, or inflect what appears in the public transcript’, (1990, 4). The public transcript, on the other hand, is a record of ‘the open interaction between subordinates and those who dominate [them]’. (1990, 2) He notes that any examination of power-relations that are based solely on a reading of the ‘public transcript’, which constitutes most of the evidence that social scientists and historians have access to, is ‘likely to conclude that subordinate groups endorse the terms of their subordination and are willing, even enthusiastic, partners in that subordination’. (Scott, 1990, 4) This, he notes, is because subordinates in their interactions with the principal, either ‘out of prudence, fear, [or] the desire to curry favour’ will moderate and shape their conduct ‘to appeal to the expectations of the powerful’. (Scott, 1990, 2) In other words, the public transcript will indicate that subalterns are consenting to their subordination by complying and not opposing the principal; hence, the concept of a dominant or hegemonic ideology, according to James Scott, has come to be accepted by so many social scientists and historians.

The debate surrounding the concept of hegemony, he notes, is ‘hotly contested’, but ‘most of the disputants agree that while the dominant ideology does not entirely exclude the interests of

subordinate groups, it operates to conceal or misrepresent aspects of social relations that, if apprehended directly [by subordinate classes], would be damaging to the interests of dominant elites'. (Scott, 1990, 71-72) In simple words, subalterns are falsely conscious because the ruling class, who the dominant ideology belongs to, are involved in concealing, manipulating and misrepresenting social relations that lead to the production of false consciousness. This false consciousness operates on three levels, or 'thick', 'thin' and 'paper thin' levels, according to Scott.

The 'thick' level, writes Scott, 'works its magic by persuading subordinate groups to believe actively in the values that explain and justify their own subordination' (Scott, 1990, 72) which is made possible through the control that the ruling elites maintain over civil society. Because of the pervasiveness of the dominant ideology, subaltern classes, it is believed, become ideologically incorporated into the interpretive framework of the dominant strata; causing them to internalise their own domination as natural and normal. The 'thin' version of false consciousness, according to Scott, does not ideologically incorporate subalterns but causes compliance 'by persuading underclasses that their position, their life-chances, their tribulations are unalterable and inevitable [which] can produce the behavioural results of consent without necessarily changing people's values'. (Scott, 1990, 74) In other words, hegemony does not manage to get subalterns to internalise the dominant ideology - i.e., there is less of an ideological grip over subalterns where matters concern the thin-level of false consciousness – but because of the ideological domination subalterns are subjected to, they resign their fate, become inert and comply.

In essence, the 'thick' level of false consciousness, it would seem, leads to *acceptance* if not consent, and the 'thin' level leads to *resignation*. For Scott, the thick theory is 'generally untenable' whilst the thin theory, though 'eminently plausible' is 'fundamentally wrong'. (1990, 72) The thick version is untenable for James Scott on two counts:

First, there is some rather compelling evidence that subordinate classes under feudalism, early capitalism, and late capitalism have not been ideologically incorporated to anything like the extent claimed by the theory. Second, and far more damaging, there is no warrant for supposing that the acceptance of a broad, idealized version of the reigning ideology prevents conflict - even violent conflict (1990, 74)

Scott's first point is based on the work of Abercrombie & Turner, who, through an examination of the *dominant ideology thesis* contend that subordinate classes 'rarely, or never, shared the ideology of the dominant class'. (1978, 150) Scott's second point is premised on the idea that any ruling group which makes a claim to hegemony must explain why a particular order is in the interest of subaltern classes, and the moment it does this, it opens the way for social conflict. Citing the examples of the French and Bolshevik revolutions, he contends that the demands prior to the occurrence of these revolutions were for reforms and amendments to the existing systems of power, but soon manifested themselves in violence and eventual revolution after being rejected by the power-holders. The point, writes Scott, is that "“falsely conscious” subjects are quite capable of taking revolutionary action', (Scott, 1990, 77-8) or seen another way, the hegemon cannot dupe subalterns into internalising the systems of domination to the extent claimed by the theory.

Scott also critiques the 'thin theory' of hegemony because he considers resistance and opposition to be an ongoing phenomenon that subaltern classes are constantly involved in; implying that quiescence and compliance is strategic and tactical opposed to being a result of inertia and resignation. For example, through his theory of 'infrapolitics', which he describes as 'the circumspect struggle waged daily by subordinate groups [which] is like infrared rays, beyond the visible end of the spectrum', he contends that individuals make a tactical decision to conceal

their resistance and opposition so as to prevent negative sanctions. (1990, 183) The invisibility of the resistance of subaltern classes, he notes, is not by accident but by design because they have ‘a prudent awareness of the balance of power’. (Scott, 1990, 183)

According to Scott, however, there are two situations in which subaltern classes will accept their position of subordination and consent to their domination. Using a ‘paper-thin’ theory of hegemony, Scott explains that if there ‘exists a strong probability that good many subordinates will eventually come to occupy positions of power’ subaltern classes will consent to their subordination and play according to the ‘rules of the game’ in the hope that they will break free from their subordinate position some day in the future. Secondly, acceptance of subordination can occur, according to Scott, where there ‘is the total abolition of any realm of total relative discursive freedom’ in which all relations and interaction between the dominant and subordinates revolve around the relations of domination, such as is the case in some penal institutions. (1990, 82-3) This form of society, he notes, resembles an ‘ultimate totalitarian fantasy’ rather than ‘any real society as a whole’. (Scott, 1990, 82-3) In simple terms, power can be in motion by shaping peoples desires in such a way that they accept the ‘rules of the game’ and play accordingly, according to Scott’s analysis, but only if they believe they will one day escape their subordination by occupying power, or through upward mobility. On this interpretation, Scott accepts that individuals can be falsely conscious, just not on thick and thin levels but on a ‘paper thin level’.

As compelling Scott’s thesis is, because of its focus on systems of power such as slavery, which forcefully appropriate labour, goods and services from subordinates, and where coercion is overt, it is conceivable to see why James Scott’s evidence finds that individuals are not (thickly or thinly) falsely conscious but are tactical and strategic actors that are constantly rebelling but in covert and coded ways. His theory might be argued to be less relevant, however, when applied to advanced capitalist nations where coercion is less obvious but conformity is high. Indeed, he

accepts that 'without a privileged peek backstage or a rupture in the performance [of subalterns] we have no way of calling into question the status of what might be a convincing but feigned performance'. (1990, 4) In other words, unless one has access to the hidden transcript, which requires decoding and interpretation within itself, 'it is impossible', writes Scott, for one to know based merely on the public transcript 'how much of the appeal to hegemonic values is prudence and formula and how much is ethical submission'. (1990, 92) The use of surveillance therefore becomes a central way through which the principal attempts to acquire 'the hidden transcript'.

Lukes notes that 'Scott has most effectively ... provide[d] a clearcut formulation and systematic exploration' of the quiescence of subalterns, but his is 'just one way of answering it'. (Lukes, 2005, 131) In other words, as compelling as his critique of hegemony is, Scott fails to refute the thick and thin levels of hegemony in so far as he fails to show why quiescence is high when individuals are not being subjected to the levels of coercion and repression that they are in his examples of slavery, serfdom and peasant societies. The key question therefore remains unanswered: how is one to understand why subalterns consent, comply or resign in systems of hegemony in which they have the political right to organise and take action against policies and programmes that are unfair or arbitrary?

To put it crudely, because individuals are falsely conscious on all levels, that is to say, thick, thin and paper-thin levels. Individuals constitute communities and communities constitute elements of a society. To therefore suggest that the thick level applies to all subordinates is to grossly simplify matters. Individuals and communities of all sorts are affected by differing levels of false consciousness. Whilst some may come to actively believe in the values that are promoted by the dominant strata and will thereby willingly consent to a system of power that keeps them as subordinates, others will be falsely conscious on a thinner level and not consent but resign and be inert, whilst some will only comply and play according to the 'rules of the game' because they

believe there is a prospect of upward mobility that will one day allow them to break free of their subordination. All three levels, in their own right, are valid, and indicate that hegemonic power operates on different levels, in different ways and to different ends but it always remains true to its ultimate purpose: to influence, shape and determine the activities of subalterns in order to prevent challenge and conflict/resistance from arising, especially that which manifests itself that is contrary to the 'rules of the game'.

However, this does not mean that the theory of hegemony or the third-dimension of power considers the hold of a hegemonic ideology to be so perverse and omnipotent that it leads to false consciousness on a mass scale in which subaltern classes are nothing more than dupes that have been indoctrinated and tricked that they cannot see through inconsistencies or manipulation. As Lukes notes, 'power's third dimension is always focused on particular domains of experience and is never, except in fictional dystopias, more than partially effective'. (2005, 150) Subalterns in systems of hegemony will play according to the 'rules of the game', but this does not mean they agree with them or do not resent them. Indeed, one can comply with power but dislike the mode through which it is exercised. So how does this relate to the issue of consent and counter-terrorism? The following section answers this question.

Power and 'Rules of the Game'

In systems of hegemony, because a significant element of freedom to critique and challenge the power of the state, including through direct action which includes the right to strike, protest, assemble and compete for power and so on, is made available to subalterns, there exists a 'mind-set' (or a *forma mentis*, as Gramsci called it) that change can be brought about through reforming and improving the system as it stands, or through observing the '*rules of the game*', and anybody operating outside of these rules or accepted procedures is involved in unacceptable

behaviour/activity. The existence of this *forma mentis*, along with the relative 'freedom' given to subaltern classes is essentially what gives systems of hegemony their resilience and durability. There may be something wrong with the system, one often encounters the argument, but there are avenues and routes through which accountability can be pursued in order to bring about remedies. As a result of this mind-set, subaltern classes 'compete for a greater share of influence and power according to the established rules of the game' rather than looking to overthrow the system and establish an alternative. (Buttigieg, 1995, 13) With the existence of this *forma mentis*, anybody that challenges the system in a manner that undermines the 'rules of the game' or disregards them is perceived to be (and is indeed represented by the hegemon as being) a pariah that threatens the stability and order of a given society. Therefore, anybody attempting to involve themselves in revolutionary activity risks being perceived and represented as 'unreasonable, unrealistic, or even dangerous'. (Buttigieg, 1995, 13) Political violence by non-state actors, or 'terrorism', is an example here.

Because 'terrorism' is understood to operate outside of the 'rules of the game', in which the use of violence is deemed (and represented as being) illegitimate, countering it becomes possible with the consent of a significant proportion of the subaltern classes, including the class/group/community from which the 'terrorist' stems. The leading *forma mentis* considers political violence to be an unreasonable and inappropriate way of addressing grievances. This is true to some extent with elements of the Muslim community who have aligned and partnered themselves with the police and other state institutions in order to confront the threat of 'terrorism' and 'violent extremism' since the implementation of the Prevent strategy. This serves as an example in which there is an acceptance that if activity is to be undertaken in order to bring about change then it should be undertaken in accordance with the 'rules of the game', and anybody violating these rules or acting outside of them, is to be countered and challenged. Though Muslim communities may not consent or agree with the activities of the state, at home

or abroad, they still believe that grievances should operate according to the ‘rules of the game’. In essence, they are consenting or complying with the system because they believe that the system, through reform and modification can be improved in their favour.

With the existence of this falsely conscious *forma mentis*, activity that attempts to operate outside of the ‘rules of the game’, of which ‘terrorism’ is a notable example, is highly unlikely to garner much support or sympathy. This lack of support is amplified when the opponent is considered (and constructed) to pose an external threat, including to ‘mainstream Muslims’. Conflict that is directed from the outside creates ‘in-group cohesion’ which, Coser notes, ‘helps maintain the structure of the [in]group’ and ‘strengthen[s] its cohesion when threatened ... by internal dissension’. (1956, 106) In simple words, an opponent that is considered to be external and alien, rather than undermining the system of hegemony, assists the principal in developing and maintaining cohesion and consent for its exercise of power. This in-group cohesion was notable in the aftermath of 9/11 attacks. Rather than ‘producing the social disorder and moral ambiguity intended by al-Qaeda, the ultimate consequence was the emergence of a sense of moral righteousness and solidarity among the Americans’, write Boyns and Ballard. (2004, 21)

‘Terrorism’, which attempts to disrupt a given social order, in this sense therefore has a negative and counterproductive impact because it leads to the reinforcement of the principal’s power by creating a feeling of victimisation amongst those that are on the receiving end of it, in turn creating support for policies that are introduced in the name of countering it. Whilst the grievances represented by the ‘terrorist’ may be legitimate, because they are not channelled in a way that respects the ‘rules of the game’, they are perceived (and indeed represented by the state) as being inappropriate and external, including by the Muslim community; leading to consent or, at least acceptance, for the measures enacted to counter them. The chapter now examines how working according to the ‘rules of the game’ when trying to involve oneself in resisting power (or

‘countering hegemony’) can lead to co-option of counter-hegemonic movements and increase their chances of involving themselves in violence as a way of challenging power and hegemony.

Co-Opting Resistance and Resisting Co-Option

Hegemony is never able to completely dominate society or control subalterns. Neither is it able to infiltrate all civil society bodies; hence subalterns will not always internalise the hegemon’s ideology or interpret reality through the framework of the hegemon (as examined in reference to false consciousness above). A hegemonic system of power is therefore subjected to challenge and resistance through ‘counter-hegemonic’ activity. Indeed, the existence of resistance to a hegemonic system indicates that counterhegemony is live and active, irrespective of how large the compliance/quiescence of subaltern populations is. But what does counterhegemony look like and what are the challenges facing those who resist hegemonic systems of power? Counterhegemony, in short, takes violent and non-violent forms and faces the problem of being co-opted by the hegemon. Both ideas are now examined.

The use of violence by militant, insurgent and terrorist groups is one of the most obvious and overt examples of counter-hegemonic activity but there are also non-violent and subtler forms of resistance which operate through a) confrontational but non-violent methods and b) through civil society institutions which have not (yet) been fully pierced by the state and are not reliant on the state. Both disseminate alternative cultural, socio-economic and political world-views and ideas in order to culturally prepare subalterns for an eventual revolution. Al-Qaeda would be an example of a counter-hegemonic movement involved in violent resistance in order to bring about an alternative hegemonic system of power, or ‘wars of movement’, as Gramsci would have it. Groups such as Hizb ut-Tahrir and Occupy are examples of intellectual and non-violent (but confrontational in the case of the latter) movements/organisations involved in what Gramsci

termed ‘wars of position’ that eventually lead to an alternative mind-set forming that eventually leads to revolution.

The problem, of course, is that those involved in non-violent counter-hegemonic activity, or ‘wars of position’, can often become co-opted by the hegemon. This co-option can happen not only because the hegemon has an ability to mislead subalterns through the control maintained over civil society but also comes down to a counter-hegemonic movement being constrained by an inability to organise and mobilise due to a lack of resources. This can also cause counter-hegemonic movements to fail in generating widespread solidarity and motivation for their activities. Indeed, because counter-hegemonic movements require some resources and public legitimacy, some groups may even welcome some level of co-option.

There are two problems that emerge when counterhegemony becomes co-opted. Firstly, a counterhegemonic movement can become dependent on the principal for resources and legitimacy; causing it to potentially ‘distance [itself] from effervescent strategies’ such as ‘protests, rallies, demonstrations and civil disobedience’. (Boyns & Ballard, 2004, 16) In essence, a movement that relies on the resources and support of the principal will not be given the go-ahead to use these resources to challenge the ‘rules of the game’ or the interests of the principal. This was certainly the case in the context of the funding provided to Muslim communities under the Prevent programme. The obligation to counter and challenge the grievances of those ‘vulnerable to radicalisation’, along with a fundamental belief in ‘shared values’, were prerequisites to the receipt of resources and funding. If recipients did not believe in ‘shared values’, did not ‘share’ values, or refused to challenge or counter grievances, then support was not offered.

In other words, whilst co-option leads to the receiving of resources, the support is provided on the condition that the resistance will play according to the 'rules of the game', which the powerful determine, and failure to do so will lead to the termination of support. Inducements are provided to subalterns on the basis of making them act in a way that reinforces the interests and power of the principal, and in this sense are complimentary to coercion, especially when they are threatened with termination if one does not act in compliance. (Scott, 2001, 19-20). Thus John Scott notes

coercion and inducement can be seen as complementary aspects of a strategic, instrumental usage of resources. They operate, respectively, through the punishments and the rewards that can be attached to alternative courses of action, and they depend on the willingness of actors to calculate the profits and losses that are associated with these alternatives. (Scott, 2001, 20)

Thus if one plays according to the 'rules of the game', one is awarded resources, but if one does not play according to the rules, then one is punished through the potential termination of support and resources; making inducements and resources a capacity to cause subalterns behave in a way that is desirable to the principal; making them complimentary to coercion. As a result, the subaltern must decide whether they are to challenge the 'rules of the game', which keeps them in a position of subordination, or whether they are to continue operating within the 'rules of the game' because there is a risk of resources being terminated. Indeed, whilst co-option through the allocation of resources may allow an issue or group to gain some level of acceptance or public legitimacy, it does not necessarily lead to a problem being resolved or the position of subordination coming to an end. On the contrary, because of the dependency, it is likely that the power of the principal will remain intact and will gain legitimacy whilst grievances will remain unaddressed.

The co-option of a counterhegemonic movement thus leads to a second problem which is that a movement can splinter, leading to the development of more militant and violent components. In essence, in systems of hegemony, the power of the principal is perceived to be so pervasive due to the control maintained over the means of coercion and civil society that resistance can become institutionalised, which means, according to James Scott, that a 'self-perpetuating equilibrium' is produced which can only be 'disturbed ... by an external shock'. (1990, 78) Political violence in this sense is not only the manifestation of an attempt to 'externally shock' the system but, according to Boyns and Ballard, 'a forceful reaction to the perceived ineffectiveness of ... counterhegemony itself'. (2004, 16)

The logic, in simple terms, is as follows: counterhegemony that is undertaken according to the rules means that institutionalisation and co-option becomes likely which means that resistive power has the potential to lose its spark thus leading to a movement to splinter and become involved in more confrontational and violent tactics. 'Terrorism', as the saying goes, 'is a powerful response to powerlessness'. However, because violence that is undertaken against the state is deemed to be outside the realm of acceptable political action and, according to the *formae mentis* that has been shaped through civil society, will thus be considered illegitimate. It is thus likely to be side-lined and repressed with the support of the masses, including the Muslim community, even if the grievances have some level of justification and support. *This dissertation therefore investigates the extent to which the Muslim community is perceived by the state to believe in the grievances espoused by 'terrorists', despite not believing in the tactic of 'terrorism', and how the state responds to those who hold such grievances.*

Power and Civil Society

One could draw the inference that the maintenance of hegemony through civil society would mean that a counterhegemonic strategy should aim to destabilise and repress it, but according

to Gramsci, civil society, rather than being repressed, is the place where revolutionary activity, or resistance to the power of the hegemon (a 'war of position'), should be organised and undertaken. (Buttigieg, 1995, 7) Revolutionary activity or counterhegemony, according to Buttigieg's interpretation of Gramsci, 'has little or nothing to do with inciting people to rebel' and certainly nothing to do with undertaking violence. Gramsci, notes Buttigieg, considered violence to be 'worse than ineffectual because [it was] conducive to reaction'. (Buttigieg, 1995, 13-4) Instead, according to Buttigieg's analysis, Gramsci considered revolutionary activity to consist of

a painstaking process of disseminating and instilling an alternative *forma mentis* by means of cultural preparation (i.e., intellectual development and education) on a mass scale, critical and theoretical elaboration, and thoroughgoing organization. These kinds of activities can only be carried out in civil society; indeed, at one and the same time, they require the creation of, and help to extend, new spaces in civil society beyond the reach of the governmental, administrative and juridical apparatuses of the state. (Buttigieg, 1995, 14)

Civil society, in other words, is considered to be the 'realm in which individuals can freely organize themselves into groups and associations and engage in 'uncoerced human association' or 'voluntary activity'. (Hodgson, 2004, 144) Whilst there is some element of independence and freedom to organise, civil society, however, is heavily influenced and controlled by the state, which it uses to control and counter opposition. The belief that civil society operates outside the control of the state a misnomer. According to Gramsci, 'far from being inimical to the state, [civil society] is, in fact, its most resilient constitutive element' which permits the ruling strata to maintain dominance over subaltern classes. (Buttigieg, 4, 1995) Whilst it is meant to be the space in which organisations and institutions can operate without state interference, one finds that

through the allocation of resources and inducements, for example, the state interferes with and affects the activities of civil society. This takes place not only through those institutions that are firmly entrenched within civil society, such as schools, colleges and universities and what is often termed ‘the voluntary sector’ but involves, what Hodgson calls, the ‘manufacturing of civil society.’ (2004)

Manufacturing civil society is a term used to describe ‘groups that are formed and funded, *at least initially*, through some type of state initiative ... [that] are directly answerable to the state and have to address certain criteria and meet targets set by government’. (2004, 145, emphasis added) The term manufacture is used because rather coming into existence organically, these organisations have been ‘engineered, created or manufactured by the state’. (Hodgson, 2004, 145) The government does not necessarily seek to directly control these elements of civil society but attempts to direct and steer them from a distance, so *governance* opposed to *government*. (Hodgson, 2004, 156)

Whilst manufactured civil society may be perceived as being an attempt to enable the community to be ‘self-governing’ in which local solutions to local problems are found, Hodgson contends that because of the ‘criteria setting, auditing, and centrally imposed initiatives’ that the state subjects these elements of civil society to, the ‘command and control’ structure remains very much intact. (2004, 156-7) She notes: ‘rather than a redistribution of power and influence, what we may be witnessing is the extension of state power via a range of social actors’. (2004, 157) In essence, the state, using a collection of organisations within civil society, some of which it has manufactured, imposes an agenda, thus rather than being the realm of freedom that civil society is often understood to be, it is an extension of the state that, whilst giving the impression of being the realm of freedom and autonomy, is actually the place where the interests and hegemony of the principal are maintained. When coupled with co-option of counterhegemonic

movements, civil society ultimately remains a place that largely favours and reinforces the power of the hegemon; not the subaltern. *This dissertation investigates the extent to which the UK government has manufactured civil society in order to legitimise and reinforce its power on matters concerning counter-terrorism.*

Conclusions

Power is the holding of a capacity to make somebody do something that they would not otherwise do. Precisely ‘how’ the principal gets subalterns to do ‘something’ is what this chapter has discussed in order to conceptualise counter-terrorism policy and practice. As shall become clear in the empirical chapters, power is exercised by the principal for counter-terrorism purposes through observable forms, that is to say, through force and threats of force, or more simply ‘coercion’, and through an unobservable form, that is to say, ‘hegemony’.

Violent and non-violent force is the most overt and direct way in which the principal exercises power. In the context of counter-terrorism and counterinsurgency, the former includes activities such as shootings and bombings whilst the latter consists of measures such as arrest, imprisonment, detention, control orders and stop and search. Every act of force, when communicated, generates a threat of force and can be used for the purpose of coercing a population into altering behaviour in accordance with the principal’s desires. This dissertation investigates - *to what extent is UK counter-terrorism policy and practice based on using force and communication to cause compliance to the wishes of the state.*

Though force can ‘lawfully’ be used by the state to cause compliance, it can have a negative impact due to its alienating nature. The principal therefore makes subalterns behave in a manner that strengthens and reinforces its power and position through systems of hegemony. Systems of hegemony do not exclude the use of coercion but give priority to the subalterns consenting to their domination and subordination. Hegemony therefore works to mould, shape and influence

the desires, needs and wants of subalterns through a dominant ideology that belongs to the dominant strata (or 'political society') that is proactively promoted and disseminated through civil society, such as schools, family, religious institutions and so on. Civil society in this sense is where consent for the hegemon is manufactured and where subalterns come to accept relations of power, that is to say, the principal's power and their own domination and subordination as being inevitable.

What ultimately gives systems of hegemony legitimacy is that some of the interests of subalterns are met, and a relative amount of 'freedom' is provided to subalterns to challenge and resist state power, including through strikes, protest and so on. This 'freedom' makes systems of hegemony resilient and reduces widespread challenge or attempted 'revolution'. In essence, it creates an accepted 'rule' that challenge and resistance should be undertaken in a way that respects the 'rules of the game', that is to say, through non-violent ways, in order to bring about a peaceful change as opposed to change that is undertaken through 'terrorism'. The 'rules of the game' are observed either because subalterns are 'falsely conscious' to 'thick', 'thin' and 'paper-thin' levels and/or because subalterns are aware that they can be subjected to coercion if they do not play according to the 'rules of the game'. *This dissertation hypothesises that playing according to the 'rules of the game' is encouraged and recommended but does not lead to the addressing of grievances, and Muslim communities are reluctant to involve themselves in more effervescent strategies, even lawful protest and dissent, because they are threatened by the potential of coercion being employed against them, notably because of the systematic way in which threats of force have been spread and are sustained, notably through structures of surveillance.*

Even though systems of hegemony permit protest and dissent that is undertaken according to the 'rules of the game', resistance has the tendency to become institutionalised and co-opted; causing it to rely on the assistance from the state in order to survive and function, which can lead grievances to remain unaddressed, and the power of the principal to remain largely unaffected.

This dissertation hypothesises that the providing of resources and inducements to Muslim communities by the state for 'counter-terrorism' purposes is to use the Muslim community to legitimise the states policies and practices rather than attempting to find solutions to 'terrorism'. This does not mean that civil society cannot be used to affect some kind of change, even if it is protracted and slow. The dissertation investigates how the state has pierced and manufactured civil society for counter-terrorism purposes, and how this reinforces and sustains its power.

Ultimately, the dissertation aims to conceptualise counter-terrorism policy and practice by using the framework of observable and unobservable power, that is to say force/coercion and hegemony, in order to understand the following questions: *how is power being exercised under the banner of 'counter-terrorism'? Are people, notably Muslim communities, consenting to the policies and practices of the state or merely complying? Are they being persuaded or coerced? And ultimately, whose interests does counter-terrorism policy and practice serve? It is to find solutions or merely to increase power and control?* The dissertation hypothesises that whilst consent for counter-terrorism policy and practice is desired, where it is not provided, coercion is used to generate compliance. In this sense, counter-terrorism relies on 'hard power' at the same times as 'soft power', in which the former protects the latter, or as Gramsci puts it: 'hegemony protected by the armour of coercion'.

Chapter 2

Methodology

Introduction

Rather than highlighting the data collection methods that this study has employed, this chapter commences in a slightly unusual way. It begins with a declaration of my personal involvement in the UK's counter-terrorism structure; notably by summarising my experiences of being falsely arrested, detained and investigated for 6 days and then released without charge as a suspected terrorist in 2008. This was a significant direct experience and is declared at the onset because it helped inform my understanding of counter-terrorism, my data-collection and data analysis methods as well as my research questions. Once I have clarified how my personal experience helped motivate the thesis, the chapter proceeds to explain why 'investigative research' methods as opposed to purely 'cooperative' methods were used. I then explain how triangulation – a central component of the investigative research approach – operates. The chapter then examines my use of interviews, background/'off the record' meetings and the benefits and limitations of collecting data through such methods. I then discuss my use of the Freedom of Information Act 2000 (FOI) and the benefits and drawbacks of employing FOI as a method to acquire data on sensitive subject-areas such as counter-terrorism.

I then proceed to discuss my use of the Data Protection Act 1998 (DPA) and how this discrete piece of legislation led to the acquisition of confidential information that was being maintained on me by a range of policing and governmental bodies. I highlight how this data helps reveal, firstly, how counter-terrorism practices such as the collection of intelligence under Prevent, which are denied to take place, are taking place, and secondly, how my direct experience of arrest

and detention, along with my use of investigative research methods, were being negatively perceived by some respondents and policing and governmental bodies. I then explain how my direct experiences positively and negatively impacted the process of data collection during the course of the research.

Whilst collecting data through cooperative methods (i.e., interviews) and investigative methods (i.e., FOI, DPA and background meetings) were useful, in isolation, the data did not provide context and could not be used to deduce how counter-terrorism was operating in a wider sense. As a result, by using two examples from the collected data, I explain how my method of data analysis ‘triangulation’ helps verify and corroborate information and enables an investigator make sense of random snippets of information. The chapter then briefly discusses how and why I shared data outside of the academy and reflect on how this assisted my research. Before concluding the chapter, I provide a brief overview on issues relating to ethics and confidentiality.

Knowledge through Experience

My interest in the subject of this Ph.D. and my commitment to understanding UK counter-terrorism policy and practice was spurred by a personal, direct and lived experience. I am using my experiences in order to understand and analyse UK counter-terrorism policy and practice through the methodological approach known as ‘autoethnography’. An auto-ethnographic approach is used by researchers to draw on their personal experiences and employ academic methods to understand the significance of their experiences and develop an informed theoretical understanding of a given subject-area. (Eliss et al, 2011) Therefore, before discussing the academic methods I have employed in this study, I commence by highlighting my experiences and how they have helped me understand counter-terrorism policy and practice and set-up a deeper inquiry.

My experience is that on May 14 2008, I was (wrongly) arrested and detained under Section 41 of the Terrorism Act 2000 (TACT 2000) on suspicion of being involved in the ‘commission, preparation or instigation of acts of terrorism’. ‘Operation Minerva’, the codename assigned to the police operation, was undertaken jointly by the West Midlands Counter-Terrorism Unit (WMCTU) and Nottinghamshire Police. I was incarcerated for a total period of six days in solitary confinement, and after being investigated and having my family home raided by police, subsequently released without charge. The reason for my arrest, along with the police inquiry, was based on my being linked to possession of an open-source, de-classified document that I had downloaded from the US Department of Justice website. The document was being used to inform my postgraduate research on al-Qaida and Hamas, and an upcoming Ph.D. at Nottingham. The police had been alerted of the manual’s existence by the university, when it was spotted on the computer of Hicham Yezza, the Principal Administrator in the Department of Modern Languages, who was helping me with my research and Ph.D. proposal. In his role as Editor of ‘Ceasefire Magazine’ (and a former Ph.D. student himself), Yezza had agreed to help me draft my proposal, and my research more generally. In this sense, he was operating in the capacity of an academic mentor to me. Yezza was also arrested during Operation Minerva and was released without charge at the same time as me.

The document that led to the launching of Operation Minerva is known as the ‘al-Qaeda training manual’. This is the title it is given, for example, when it is offered for sale on the Amazon website. Its original title is ‘Military Jihad against the Tyrants & Oppressors’, but the name ‘al-Qaeda training manual’ was given by the Department of Justice, (DoJ) who were using the document in an attempt to secure a conviction of the 1998 East Africa bombing suspects. Renaming the document was, essentially, an attempt to make it sound more incriminating to a jury. (Thornton, 2009) The document has been referenced in many books written on terrorism and related subjects and is available to loan from various libraries, including the University of

Nottingham's own library via the inter-library loan system (class mark HV6431). It can also be purchased from high-street bookshops. (WH Smiths, 2014; Waterstones, 2014, Amazon, 2014) When I had downloaded the document, it was freely available from the DoJ and the Federation of Atomic Scientists (FAS) website, where it remains until present. (Federation of American Scientists, 2014; Department of Justice, 2014) In other words, possession of the document is hardly reserved only for 'terrorists'.

Upon my release from custody, I instructed lawyers to bring a civil claim against the police for false imprisonment, which eventually concluded in my favour in 2011. The police paid all my legal fees as well as £20, 000 in damages in an out of court settlement. I was also issued an apology for being unlawfully stopped and searched under section 43 of the Terrorism Act. In addition to this, a number of intelligence entries being maintained on me by the police, which contained inaccurate information – i.e., that I was a 'convicted terrorist', were agreed to be altered or deleted. (Bhatt Murphy, 2009). During the period that the civil claim was ongoing, whilst working closely with my legal team to ensure that the case was as strong as possible, and beginning data-collection for this study (which commenced in October 2009), I was subjected to regular stops & searches, which – I now know - were a direct result of my arrest and detention. My false arrest is logged on the Police National Computer (PNC) as my being involved in 'offences against the state'. (ACPO Criminal Records Office, 2009)

I did not keep a record of my stops and searches on release from custody until one stop was executed outside my home on 04 February 2010. This is when I was advised by my lawyers to begin recording my encounters with the police. This record indicates that between a period of 04 February 2010 and 27 April 2011, I was subjected to 11 stops & searches for, amongst other things, Section 43 and Schedule 7 of the TACT 2000. Due to the frequency of the stop and searches, and in a bid to ensure that I could not be exposed to any excessive action, I also began

learning my rights and exercised them when stopped. Of all the times I was stopped and searched, no action was taken against me in any regard; a fact, I believe, that was greatly assisted by my knowledge of police powers and my own rights. Indeed, many of the –subsequently disclosed - intelligence entries that were written by the officers after they had stopped and searched me acknowledge my understanding of my rights and legislation. For example, they note: ‘Sabir refused to comment on his previous history with the police when asked’, ‘Sabir seemed to know about the law’, ‘Sabir was ... asking why he was stopped and what powers he had been stopped under’ and ‘[Sabir] requested information surrounding the grounds he was stopped under’. (Nottinghamshire Police, 2011a, 2010a, 2010b, 2011b)

I was also stopped and detained under Schedule 7 of the TACT 2000 whilst travelling. In total, between 2008 and 2010, I was subjected to the Schedule 7 power on 4 occasions. I was *stopped* under on two occasions (i.e., held for less than an hour) and *detained* (i.e., held for over an hour) on two other occasions. One of these stops was intelligence led. I discovered this through a disclosure made by West Midlands Police under the Data Protection Act. A series of documents were released to me, including one document entitled ‘Operation Minerva: Schedule 7 Port Stops for Rizwan Shabir’ [sic]. (Firkins, 2012) On examining this document, I discovered that an order - known as a ‘port circulation’ – was issued by the National Border Targeting Centre instructing Special Branch to intercept me on my arrival to the UK on two separate occasions.

The first port circulation, dated 14 October 2008, was issued but subsequently cancelled for reasons that are unknown. The second port circulation, dated 8 July 2010, was not cancelled. I was returning to the UK after holidaying in Spain and was detained on arrival for 1.5 hours by Special Branch. Alerting the officers that I was a researcher of counter-terrorism did not aid my case, and the detention and search of my property continued, as did the questions surrounding my political views, opinions, activities and involvement with the police in relation to my arrest

under Operation Minerva. Before being permitted to leave, my Blackberry telephone and digital camera were seized by the officers for further analysis. Initially, I thought the stop was ‘random’ but after acquiring the data disclosed to me by West Midlands Police, I soon realised that due to the issuing of the port circulation, this was not a ‘random’ stop but was pre-planned and pre-meditated. Special Branch essentially had prior intelligence concerning my travel plans and was therefore waiting for me to arrive in the UK so they could detain me for questioning. Intelligence on individuals that are travelling to and from the UK is collected by the ‘National Border Targeting Centre’. It is this organisation that ‘issue[s] alerts to Special Branch officers at ports about *subjects of interest* travelling to and from the UK’. (Home Affairs Select Committee, 2013, author emphasis) The purpose of these alerts (or ‘port circulations’) is to allow ‘officers [to] investigate people and goods *involved in terrorism* to obtain intelligence, and make arrests where appropriate.’ (Home Affairs Committee, 2013, 20-21, author emphasis)

What the existence of a port circulation essentially implies is that whilst undertaking academic research on UK counter-terrorism, and during the process of being involved in a civil claim against the police for false imprisonment, along with commentating on counter-terrorism issues in the public domain, I was being viewed by the police as a *subject of interest* and as a person *not* suspected but *involved in terrorism*, hence the issuing of the port circulation. Whilst being detained and subsequently having my mobile phone and camera seized caused me a great deal of frustration and inconvenience, when I learnt that the stop was intelligence driven and pre-meditated, I was extremely perturbed. Not only was I, as an innocent person, being viewed in such a suspicious manner but as a Ph.D. researcher involved in researching counter-terrorism policy and interviewing and meeting with individuals from police agencies, forces and government departments, many of whom were relaying their regrets to me for the way I was treated (as I will elaborate on below), I was being treated as a ‘subject of interest’ and being viewed as someone who was ‘involved in terrorism’. Going through arrest and detention as a

suspected terrorist, and then being subjected to stop and searches during the course of this study proved to be disconcerting and harrowing experiences. However, the experience was also also beneficial, especially for the purpose of this study.

The most significant benefit of my direct experience is that I have been able to gain a vital source of direct insight that is seldom held by researchers of security and counter-terrorism. Such insights have allowed me develop a more nuanced and contextualised understanding of counter-terrorism policy and practice, and allowed me, as I discuss later, to triangulate my sources in order to analyse and read my data as well as verifying information acquired through various avenues/sources. Most importantly, my experiences have allowed me to answer my research questions which had been formulated before I had formally commenced this study. On release from custody, I found myself asking: why was I arrested for being in possession of a document/library book? How frequently were the police and Security Services arresting and investigating people on a similar charge? What was the purpose of arresting and investigating people who had no involvement or intention to commit acts of terrorism but merely possessed books and documents? How was such activity even possible? If the British government and its security and law-enforcement agencies were arresting people for being in possession of documents/information - how was the threat of terrorism being perceived and being operationalised: one that was based on stopping 'operational terrorists' (i.e., those involved in planning/undertaking acts of political violence) or countering those people who held dissenting ideas and views? Who was the enemy for the British government?

This study has allowed me answer these questions by drawing on my 'eye-witness' account of arrest, detention and investigation as well as the classified and restricted data relating to Operation Minerva. Being subjected to stop and search under Schedule 7 has also allowed me to understand the methods that are used to gather intelligence and information on people who are

perceived to be some kind of threat – even when there is no evidence to suggest they are involved terrorist activity.

Despite my personal experience and access to primary documents relating to Operation Minerva, answering my research questions was no straightforward task. The CONTEST strategy had only been made public in 2006; two years prior to my arrest and three years prior to me commencing this study. In this sense, academic analysis of CONTEST was still relatively young. As discussed in the introduction, much of the academic literature revolved around examining Prevent as opposed to Pursue, and this research largely started its analysis on the premise that Prevent was a response to terrorism as opposed to being a pro-active policy based on attempting to nip potential terrorism in the bud. It was my direct experience with Operation Minerva that signalled to me that rather than being a mere response, the investigation/questioning of individuals who held dissenting views and ideas or possessed ideological documents/information meant that the government and police viewed such actions/individuals as posing some sort of terrorist threat and were committed to taking action before a so-called conspiracy manifested itself into something that could be proven beyond reasonable doubt to be a crime. This indicated that Pursue and Prevent, though considered to be separate policy areas, had a resemblance – both were dedicated to taking action against people who were considered to be ‘potential’ terrorists. I therefore found myself asking: what is the connection between the Pursue and Prevent, and how is it that both are based on taking pre-emptive action? How is the decision made whether to subject an individual to Prevent or Pursue measures? Why was I subjected to Pursue as opposed to Prevent? How is such a decision reached?

It is ultimately these question that helped me investigate the whole idea behind ‘pre-emptive’ action, which I eventually realised was based on a key counterinsurgency/military idea that holds - ‘it’s better to prevent conflict than fight it’. In essence, I used my direct experience of

Operation Minerva and being stopped and searched under terrorism powers as a way of understanding how Pursue and counter-terrorism operations worked, focused my data-collection efforts on Prevent, and its connections with Pursue, and examined how both policies were connected to counterinsurgency doctrine. But my quest for data on Prevent was no straightforward task. Indeed, I encountered a number of challenges when I was collecting my data, which meant I had to adopt a robust attitude with respondents and government/police agencies. In the following section of this chapter, I highlight how I used a robust data-gathering method by using an approach that I refer to as ‘investigative research’. I also explain why I was compelled to use this approach and some of the problems I encountered whilst using it.

Investigative Research Approach

This study examines the approaches and policies used to ‘counter-terrorism’ rather than a study that is focused on researching and understanding ‘terrorism’. This means that it examines the ‘powerful’ as opposed to the ‘powerless’. Initially, I had wished to follow the convention and undertake research that focused on terrorism, but, as discussed, the decision to undertake research on counter-terrorism was prompted by my involvement in Operation Minerva. Studies that focus on researching the powerful, and especially issues such as counter-terrorism and national security, means that the methods employed have to be investigative and ‘triangulatory’ opposed to those that are solely ‘cooperative’. This is because cooperative methods, due to the sensitivity of the subject being researched, cannot be entirely relied upon for data. Conducting participant observation or ethnography with an anti-terror policing unit or the intelligence services, for example, is highly unlikely due to the secrecy associated with their activities. Indeed, during my research, I asked if it would be possible to be situated within Lancashire Special Branch as a participant observer, but my request was refused on the ground that such observations risks undermining the secrecy with which Special Branch operates. MI5 did not

respond to a letter in which I asked to interview a representative from the organisation; (Denham, 2011); let alone permit me to undertake participant observation with them.

Whilst cooperative methods should be used wherever possible, they are unlikely to yield much data, irrespective of whether the researcher has been investigated for suspected terrorism or not. When one is thus undertaking research on such a subject-area, a limitation exists on the choice of methods. This research did employ interviews, which can be deemed to be 'cooperative' in so far as there is some level of cooperation between the respondent and the investigator during its arrangement and execution, but the weakness of such a method, as I will discuss later in this chapter, is that the respondent can easily circumvent answering particular questions; citing national-security or operational privilege. In this sense, though considered to be 'cooperative', interviews can also be perceived as being 'uncooperative'. This is not to suggest that no useful data was acquired in the interviews. Instead, the data acquired in the interviews was limited which meant that it had to be read in conjunction with other pieces of information, that is to say, it had to be 'triangulated' in order for it to be fully useful. As a result, in addition to using cooperative methods (i.e., interviews), this study relied on 'investigative' methods, that is to say, the Freedom of Information Act (FOI), the Data Protection Act (DPA) and background (i.e., 'off the record') meetings/conversations.

All social research, as noted by Douglas, relies on 'cooperative methods as well as more strictly investigative methods'. (1976, 133) However, what is it that differentiates 'investigative research' from other forms of social research, considering all research aims to 'investigate'? In simple terms, it can be differentiated on the basis that firstly, it encourages the use of 'experience near methods' (Douglas, 1976, 108-9) and secondly, it uses 'triangulation', that is to say, it combines research methods and attempts to acquire data from multiple sources in order to generate theoretical understandings and assist in the corroboration, verification and contextualisation of

data that is random or available only in snippets. This is why investigative research, according to Ho et al, is useful for ‘uncovering, understanding, and reporting social phenomena that may be hidden from or not easily accessible to observers’. (2006, 32, 17) In this sense, investigative research can help reveal what actors believe, opposed to the impression they wish to create, as I discovered when collecting my data. This needs further explanation.

The bulk of my data was collected during the stage that I was involved in the civil claim against the police, and in this sense, my research was a way of shedding light on the excesses of counter-terrorism policy and practice; a form of ‘academic activism’, one could say, as much as it was about contributing to the generation of knowledge. Initially, much of my ‘academic activism’ took place on television and in newspaper interviews due to the early interest by the media in Operation Minerva. However, after the initial media interest reduced, I began writing for news organisations and online blogs. On some occasions, I wrote short pieces on issues that were directly related to Operation Minerva whilst on other occasions; I was commissioned to write on wider counter-terrorism issues such as ‘control orders’. The platforms that I wrote for included outlets such as the Guardian, the Independent and Al-Jazeera and what can be described as ‘alternative’ platforms such as Indy Media and Ceasefire magazine, on which I maintained a bi-weekly column entitled ‘Sabir on Security’. It was the content on this column, however, that led one of the police respondents, whom I was liaising with and eventually interviewed, to claim in internal communications that were released by the Home Office under DPA, that I had ‘quite an anti-police stance’ and held ‘a grievance due to [my] days in custody under TACT, which undoubtedly fuels [my] perception of the police’. (Pottinger, 2012a)

Communications between this particular respondent and myself were always polite and friendly, but this was the impression that the respondent wished to create; a feeling of cooperation. I thus perceived interviews to be a cooperative method of data gathering but only through using an

investigative research approach discovered the interview was only leading to the release of data that was based on how this police respondent perceived me and my work, which was based on my involvement with Operation Minerva, and the commentary I had made in the public domain. In simple words, the data gathering process through ‘cooperative’ methods was adversely affected by the commentary I had made in the public domain and my use of FOI and DPA.

However, in one instance, my sharing of information and my commentary in the public domain was beneficial to me. I had looked into the activities of the Karimia Institute and acquired data on the organisation through FOI. I then proceeded to upload this data onto an online portal known as ‘Powerbase’, (Ahmed & Miller, 2010) which I discuss in more detail later. On uploading it, an individual contacted me who had previously been involved in a collaborative ‘de-radicalisation’ project that was being undertaken in Pakistan by the Foreign and Commonwealth Office (FCO) and the Karimia institute entitled ‘Creating Caring Communities’ (CCC). The individual informed me that they s/he had become aware of my research and had subsequently made contact with me because of the information I had uploaded to Powerbase. S/he also wished to assist with my research by providing some background to the project by sharing his/her experience and a series of confidential documents. I explain later in this chapter ‘why’ this individual helped me.

These two examples help illustrate that investigative research undermines and limits the amount of data that can be acquired through cooperative methods, notably because the investigator is perceived as trying to discover data that actors prefer to keep hidden or concealed, though, as the CCC example suggests, it can also lead to a sense of credibility for an investigator and lead individuals to provide help on a voluntary basis. In the example of the CCC project, a number of documents that the FCO had prevented the release of under FOI had been disclosed to me by

this individual, which, because they had not been created with a view to being made public were particularly useful. I explain why.

Documents that are created for restricted audiences or not created for external/public audiences and where they attempt to inform political or strategic action are representative of an actor or organisations actual views opposed to those documents that are produced for public consumption. Documents are valuable and insightful, notes John Scott (1990, 10), if they 'are not deliberately designed for the benefit of the historian'. This is because public documents attempt to generate an impression that the creator of the document/policy wishes to create, and will generally not be representative of an actor's actual views. This is not to imply that policy documents are useless or untruthful. Instead, it is to suggest that policy documents produced for public consumption must be read in conjunction with materials that are produced for restricted audiences in order for them to be fully contextualised, corroborated and understood. This study therefore uses policy documents but reads them in conjunction with documentation that was acquired through cooperative methods, notably interviews and investigative methods, notably FOI, DPA and background meetings and conversations, in order to ensure they would reveal-to a great an extent as possible-the actual views of an actor as opposed to the views which the actors wish to place in to the public domain. Acquiring documents from multiple sources means that the investigator will be in a position to verify, corroborate and contextualise data, that is to say, they will be in a position to 'triangulate'.

'Triangulation' is a term used to explain the combining of different research methods and data sources in order to analyse information from different angles and perspectives in order generate 'fully grounded and verified theories'. (Denzin, 1970, 297) Methodological triangulation takes two forms. Denzin calls these: 'within triangulation' and 'between or across method triangulation'. (1970, 307-8) In the case of the former, 'the investigator takes one method ... and

employs multiple strategies within that method to examine his data' whilst in the case of the latter, the investigator 'combines dissimilar methods to measure the same unit'. (1970, 307-8) The shortcoming of the 'within triangulation' approach, which is usually reserved for 'surveys', is that it relies on one method, which means that 'no matter how many internal variations are devised', flaws that arise from relying on one method remain. (Denzin, 1970, 308) On the other hand, the 'between or across method' is more advantageous because 'the flaws of one method are often the strengths of another, and by combining methods, observers can achieve the best of each, while overcoming their unique deficiencies'. (Denzin, 1970, 308)

My study adopted the 'between or across' technique and employed multiple methods to acquire data from different sources, which comprised of interviews, background meetings/conversations, FOI and DPA, along with policy documents. I now discuss each of these methods in turn, commencing with a discussion of the interviews and background meetings/conversations I held.

Interviews, Private Meetings and Conversations

My interviews, which were semi-structured, were undertaken between 2010 and 2012. They were arranged by attending conferences, in which I developed a rapport with potential respondents. Some interviews were secured by writing official request letters and some were secured after I had asked individuals that knew respondents to make a formal introduction, usually through email or in person. Interviewees were selected on the basis that they were either directly or indirectly involved in issues concerning counter-terrorism, especially the Prevent strategy. Some individuals I met during public events and conferences suggested I speak to particular people who were involved with counter-terrorism work, especially Prevent, whilst in other instances, I

sought advice from respondents/interviewees on who might be appropriate to interview in the future.

In total, I undertook 20 interviews, which were audio-recorded with the consent of the respondents. They lasted between 1-2 hours and took place at locations that were of convenience to the respondents. 6 interviews were conducted in total with either serving police officers or representatives of the police. 4 of these respondents were affiliated to the WMCTU, 1 from the ACPO and 1 from Lothian and Borders Police. 2 civil servants were interviewed in total, 1 from DBIS and 1 from the OSCT. 1 former civil servant, who had served in the Cabinet Office, was also interviewed. 1 interview was conducted with a representative of the NUS, 1 from FOSIS, and 1 interview with the Head of Security at the University of Bristol. 1 telephone interview took place with the Deputy Chief Constable of Cumbria Police, in his capacity as the Patron of the 'Pahelo network', the notes of which were confirmed as accurate by the respondent through email. 1 interview was undertaken with an individual that had been referred to the Channel programme as somebody who was claimed to be 'vulnerable' to becoming involved in 'left wing terrorism'.

3 of the 20 interviews were conducted with individuals involved/affiliated to the Department for Communities and Local Government (CLG), 1 with an individual from a Muslim community organisation in London and 2 with academics. Whilst these 6 interviews were important in allowing a background understanding of Prevent to emerge, they were less useful for the main theme of this study; hence no transcriptions were made. Post-interview notes were made for 2 of the interviews, whilst 13 of the 20 interviews were fully transcribed. These interview transcripts were provided to participants for their own records or for factual checking, on request. All interviewees were guaranteed anonymity in the final thesis, save from one respondent, who stated that all outputs could cite this name as 'Jameel Scott'.

Interviews with respondents from the police service were insightful and helpful in generating an understanding of counter-terrorism policy from a practitioner perspective. They also helped develop understanding on how the policing aspect of Prevent was closely connected to crime-prevention work; a theme that was repeatedly mentioned by respondents from policing organisations.

The interviews were also useful in clarifying the connection between ‘information’ and ‘intelligence’. Police respondents confirmed that though there were differences in the ways these terms were perceived, in actuality, there was not much difference between ‘information’ and ‘intelligence’; indicating that information was intelligence and intelligence was information. The words were being used interchangeably. Policy documents claim that collecting intelligence is not within the remit of the Prevent programme, yet some interviewees, especially the police respondents, clarified that this boundary was theoretical and that in practice, intelligence was collected from Prevent and Pursue sources to ensure the most appropriate action could be taken by police. Various police respondents stated that intelligence gathering was a key part of policing, and Prevent was therefore no different in this sense.

Respondent 11, a senior police officer from the West Midlands CTU, for example, notes: ‘every interaction that a police officer or Police Community Support Officer (PSCO) has with their community should be about reassurance and should be about gathering information.’ (2012) On the use of intelligence, Respondent 2, also a police officer from the West Midlands CTU, notes: ‘[Prevent] is gathering information from all different areas and systems in order to enable us to have a better understanding of what the problems are, where they are, and therefore give us some better clues as to where to target it’. (2011) Similarly, Respondent 4, another officer from the West Midlands CTU notes: ‘information collection is important in any area of policing

[because] you need information before making decisions'; implying that in order to undertake Prevent activity appropriately, prior intelligence is required. (2011)

Clarification on the issue of intelligence collection and use, and the fact that the terms were used interchangeably was important because I had commenced my research at a time when criticism was being directed against the Prevent programme for being a cover for 'spying' on the innocent activities of Muslim communities. (Dodd, 2009; Kundnani, 2009) Though the police respondents were adamant that 'spying' was not a part of the Prevent programme, there was an acceptance that intelligence was collected under Prevent, though the caveat was always added that it was being collected to ensure the Prevent policy could be implemented in the most appropriate and effective manner opposed to being, as noted by Respondent 4, 'information gathering for the sake of information gathering'. (2011)

The discussions on intelligence and information with respondents were therefore useful in two very important senses. Firstly, the admission was made that information/intelligence was indeed collected under Prevent and secondly, this admission enabled me to set up a deeper investigation into counter-terrorism, notably by analysing the connections between counter-terrorism with counterinsurgency doctrine, which promotes an increased focus on the collection of intelligence (as discussed further in chapter 6).

When I had commenced the study, discussions concerning intelligence and information under Prevent were very limited, notably because I used a snowball sampling technique to speak with those people who were involved in any aspect of Prevent. This was somewhat of an imprecise way of speaking with respondents; a method that did not bear much fruit since most of the respondents at the onset, with the exception of one police officer from the WMCTU, were largely involved with those aspects of the strategy that were focused on community cohesion and

capacity building. Because I commenced the study of Prevent with an element of unfamiliarity, at the time, these meetings were useful in helping in generating an understanding of how the strategy was working on the ground and in local communities but they were less useful in building a picture of the role that intelligence gathering played under Prevent. This aspect of Prevent could not be commented upon since intelligence collection/development was reserved for police officers/agencies.

I therefore recognised that my sampling should focus on securing conversations/interviews with police officers who were involved in the delivery of Prevent. I thus began focusing my attention on speaking with police officers by requesting meetings when I met them at public events and conferences. I also submitted official correspondence in which I requested meetings. In the case of Respondents 7 from the ACPO and Respondent 11 from the WMCTU, this approach paid-off, but on almost all other occasions, my requests for meetings were rejected. I therefore exchanged official correspondence and stated that replies should be issued in the interest of aiding academic research that aimed to generate knowledge on a subject-area that was in the public interest. This approach proved to be more fruitful and replies (of varying utility) were issued on almost all occasions.

Through written correspondence along with the conversations/meetings/interviews with police respondents, it soon emerged that irrespective of the distinction in policy documents, the police viewed Prevent and Pursue as a policy that was one and the same. Police respondents simply held that intelligence and information from all avenues – whether it was community policing, neighbourhood policing or terrorism investigations – was collected to ensure the most appropriate threat assessments could be formulated and appropriate action could be taken against suspected and potential terrorists. It was this admission that enabled me to deepen my

study by examining the increased desire to collect intelligence from overt and covert sources, which was a central principle contained within counterinsurgency doctrine.

In addition to enabling the study to tighten and deepen its focus on the links between Prevent and Pursue and the collection of intelligence that takes place under Prevent, conversations/interviews with police respondents were interesting in another sense. Because some of the police respondents were aware of my involvement in Operation Minerva, an interesting reversal of role was created. It was me asking the questions and the police having to provide the answers. I was robust in my questioning approach. For example, I would ask the police respondents why they would not answer a question, and ask them to provide at least some clarification on an issue. This does not imply that I was pressuring the interviewees to answer anything they were uncomfortable answering. Instead, my technique can be summarised as being 'persistent'. Some of the respondents, I got a sense, understood my persistence and my use of a robust questioning technique because of my involvement with Operation Minerva. I certainly know this to be the case with Respondent 11 (2012) from the West Midlands CTU, who occupied a senior position within the police team that undertook Operation Minerva (though I was unaware of this fact when I had arranged and undertook the interview).

Because of the awareness that police had of my involvement in Operation Minerva, I got the impression that the police were showing some form of regret for my treatment. Respondent 7 from the Association of Chief Police Officers (ACPO), for example, stated:

‘I know you’ve had a bad experience yourself and the word bad doesn’t cover it enough, but I think things have been learnt an awful lot from the problems you ... went through’.

(2011)

Similarly, Respondent 11 notes: 'all operations and arrests ... are subjected to professional debriefs. All of them are. Lessons are then learnt and shared'. (2012) The essence of this comment, I believe, was to reassure me that lessons were learnt from Operation Minerva.

However, not all respondents acted in this way. For example, after discussing the issue of Schedule 7 in the course of the interview, and informing Respondent 4 of the West Midlands CTU of the number of times that I had been stopped, he notes: 'if you've been stopped a number of times you will understand why they keep stopping you'. (2011) In other words, my impression was that due to my arrest and detention, there was an acceptance that I would remain a subject of interest. This point was proven, as aforementioned, not only in relation to the Schedule 7 port circulations that had been issued on my name but also through the discussion that respondents were having about me within their own organisations after I had contacted them to secure interviews or obtain information through the FOI and non-FOI avenues.

In qualitative research, respondents often perceive investigators to be participants as well as investigators. Thus Chesebro and Borisoff note that 'while the investigator may be known as a researcher, the verbal and nonverbal actions of the investigator are not perceived as stemming from the role of researcher'. (2007, 9) The investigator, in other words, is asking questions for research purposes but their interest is perceived to be spurred by something other than research purposes. This was an idea that was pertinent to me, especially since during the time I was collecting data, some of the respondents and organisations I was liaising with were aware that I had been the subject of arrest and detention and were discussing this experience within their own organisations. Internal emails released to me under the Data Protection Act confirm this. I present two examples to explain the kind of discussion that was taking place.

During the early part of my data collection, I was in contact with the Office for Security and Counter-Terrorism (OSCT) in a bid to obtain a copy of the guidance document that was used by local police forces to inform the production of a type of 'local threat assessment' known as Counter-Terrorism Local Profiles (CTLP's). After various email exchanges with the OSCT, I was invited to the Home Office, and on 19 October 2010 issued with a copy of this guidance document. In an internal Home Office email dated 10 September 2010 - i.e., before the decision to release the CTLP document to me - Home Office staff are discussing the release of this document but in doing so do not overlook my involvement in Operation Minerva. The email notes '... if you weren't already aware, Mr Sabir was one of the 'Nottingham Two' who were arrested in May 2008 for suspected involvement in Islamic terrorism.' (Beresford, 2012a)

The second example of 'internal chatter' is a discussion in which the ACPO and the Home Office are discussing not only my arrest, detention and research but also my alleged perceptions of the police. An email dated 24 August 2011 - i.e., one day before the undertaking of my interview with Respondent 7 from the ACPO - notes:

Rizwaan Sabir has contacted [redacted in original] several times over the last few weeks. He has attracted controversy as you will see if you google his name. He was the student detained for 6 days in 2008 whilst a student at the University of Nottingham under Operation Minerva. Mr Sabir has already posed the attached questions in an e-mail which [redacted in original] did not answer but [redacted in original] have agreed to meet him tomorrow. (Pottinger, 2012b)

A second email between 'officials', dated 25 August 2011 - i.e., on the day that the interview had been successfully completed with Respondent 7- subsequently notes:

I said I would update you after [redacted in original] meeting with PhD student Rizwaan Sabir. Rizwaan contacted [redacted in original] several weeks ago, seeking information to assist with his PhD studies. [Redacted in original] agreed to meet rather than exchange emails. [Redacted in original] knew his name and was aware that he has been controversial in the recent past. Riswaan [sic] asked [redacted in original] a series of questions which he had asked others employed in the sphere of Prevent. He asked if [redacted in original] knew about informal briefings which took place between Special Branch officers and university staff. Rizwaan was quite persistent and asked many questions about police interaction with Muslim students and about the number of universities where radicalisation towards AQ is taking place. He has quite an anti-police stance (his blog on the Ceasefire website demonstrates this). He clearly has a grievance due to his days in custody under 'TACT', which undoubtedly fuels his perception of the police. (Pottinger, 2012a)

These two examples of internal communication reveal that even though engagement was taking place with me to assist with my research, and some form of indirect regret was being relayed to me during the interviews, discussion of my involvement with Operation Minerva was never too far away. This suggests that the data being provided to me was affected by the perceptions that some individuals within policing and other governmental bodies held/hold about me.

I attempted to generate trust by attending events and conferences on matters to do with counter-terrorism, some of which had been organised by the police. I believed that whilst my involvement with Operation Minerva would remain largely intact, I may be able to reduce any potential mistrust by generating a rapport with potential respondents, especially those from within the police service. I therefore attended three events that had been introduced under the remit of the Prevent programme and were delivered by the police. The first two events were

ACT NOW and WRAP, both of which were held on the same day in Edinburgh and had been organised by Lothian & Borders Police. The benefit of participating in this event, save from developing first-hand experience through participating in both programmes, was the securing of an interview with Respondent 13, (2011) an Inspector from Lothian & Borders Police who was working on Prevent in Scotland.

The third event which I attended was a result of attending a symposium on ‘de-radicalisation’ that was organised by Lancashire Police at their headquarters on 1 December 2011. During this symposium, I spoke to a number of individuals who were working on the Prevent programme from Lancashire Constabulary and developed a rapport with one of the Prevent engagement officers. After communicating with this officer via email in the subsequent months, he invited me to attend the Operation Hindsight training exercise on 23 February 2012, which I duly accepted. Whilst at the symposium, I was also invited by a Superintendent from Lancashire Special Branch to deliver a lecture on my research and experiences of being involved in Operation Minerva though eventually, his offer was withdrawn. The rationale for cancelling the invitation was based on the fact that I was already in contact with Respondent 7 from the ACPO, which meant that liaising with Lancashire Special Branch at the same time was considered to be inappropriate. This information was relayed to me by the engagement officer in a private meeting in Manchester. In my future correspondence with the North West CTU, who oversee the operations and activities of Lancashire Special Branch and Greater Manchester Police (GMP), my requests for a meeting with its Head, and an officer working within a Prevent role from GMP, were refused. The North West CTU, I was informed, preferred to liaise with researchers from the universities situated in the North West of England due to the large number of requests that were allegedly received, (Porter, 2012) and the officer from GMP, I was told by a senior officer, was unavailable to meet with me. (Anderson, 2012) This officer later met with in private.

Similar to this meeting were other meetings in which private discussions took place. Examples include a representative of the Scottish Preventing Violence Extremism Unit who I met in 2010 in Glasgow. This individual provided an explanation of the differences between the policy in England/Wales and Scotland, and the differences in how the policy was being implemented in Scotland. I also met privately with the Independent Reviewer of Terrorism Legislation, David Anderson QC and a former Home Office official who had worked closely with Charles Farr, the Head of the OSCT. Other private meetings were held with community representatives, local organisations, academics and fellow PhD students, which had their own benefits. My contact and regular meetings with the Chair of the ‘Muslim Safety Forum’ (MSF), a local organisation based in London that works to reduce the negative consequences of police activities, especially in relation to counter-terrorism, led an invite being extended to me to accompany the MSF on an ‘air-side’ visit to Heathrow Airport as an independent monitor to assess some of the activities being undertaken by Special Branch, especially in relation to Schedule 7. Similarly, meetings with fellow Ph.D. students led to conversations and in turn trust which led to snippets of information being shared with me about the manner through which, for example, the police perceived my arrest and detention. In one instance, a meeting was held between a fellow PhD student from the University of Warwick and Chief Superintendent Matt Sawers, the Head of the WMCTU during the time Operation Minerva was executed. In this meeting, Sawers notes:

... [T]here was a desire to charge [Rizwaan Sabir and Hicham Yezza] under Section 58 of the Terrorism Act [2000] but at the time there was significant uncertainty due to other cases that were currently underway in the courts ... Today those issues have now been resolved and were the incident to occur again, charges would be brought under similar circumstances. (Herrington, 2011)

In total, I had 32 background/‘off-the-record’ meetings between 2010 and 2013 with a range of individuals, including academics, postgraduate students, journalists, representatives of human rights organisations and individuals who had advised civil servants. There were benefits of engaging in such a way. I now explain how it was beneficial by referring to one meeting between I and a source, which led to an official meeting being called between me and the Foreign & Commonwealth Office (FCO) and the providing of a large number of confidential documents concerning the ‘Creating Caring Communities’ (CCC) project that was being delivered by the Karimia Institute.

The individual who alerted me to this project had been hired on a contractual basis by the Karimia Institute to participate in the delivery of the CCC project in Pakistan but had been, this individual claimed, unfairly dismissed. Prior to meeting this individual, I had never heard of the CCC project, and to my knowledge, neither had any other researcher or contact that I was in communication with. During our meeting, this individual explained what the CCC project was, the types of activities being undertaken through it, and some of the problems that this individual had encountered whilst delivering the project in Pakistan. After the meeting concluded, I examined the website for the CCC project and subsequently filed an FOI request to the FCO in a bid to corroborate what this individual had stated in our meeting. No information was provided by the FCO on the ground that disclosing information would make ‘the delivery of projects, funded by the FCO and otherwise, a potentially dangerous activity for those involved’.

(Glyn, 2011, 2)

Because this FOI request was my eighth to the FCO since starting my research, the FCO invited me to meet with the Deputy Head of the Counter-Terrorism Division on 6 October 2011 to discuss the CCC project and my research in person (Glyn, 2011a, 2). I attended the meeting in the hope that the FCO’s initiation of the meeting meant that rather than publically disclosing

information under FOI, they would be willing to provide some clarification on the CCC project and the Karimia Institute's involvement in private but this meeting was fruitless. The questions that I asked went unanswered. The FCO maintained that discussing anything in relation to the CCC project or the Karimia Institute could undermine the security of the personnel responsible for delivering the project in Pakistan. In other words, the health & safety exemption that was only applicable to FOI was being cited in response to my face-to-face questions concerning CCC and the Karimia Institute too. 'Despite extensive questioning' note the official meeting minutes, that were later emailed to me, the FCO 'declined [Rizwaan Sabir's] requests to provide specific information about Karimia or the Creating Caring Communities [project], reinforcing the response provided to his FOI request'. (Glynn, 2011b) It seems that the purpose of this meeting was something other than an attempt to cooperate with my research in any meaningful way.

Despite the FCO's best attempts to withhold information on CCC, however, details regarding the project did eventually emerge. A series of confidential documents which had been released to the individual who had alerted me to the existence of the CCC project were provided to me for the purpose of this study. These documents include internal communications between the FCO, the Karimia Institute and members of the CCC delivery team, financial statements, travel expense receipts, invoices, the total amount of funding provided to the Karimia Institute for delivering the project, the names of those organisations that had been shortlisted by the FCO to receive the funding and a selection of witness statements which include details relating to the CCC project. This was one of the most significant and helpful private meetings that I had participated in, not only because of the documentation that was provided to me as a result of it but because it led to an awareness of a project that the FCO had attempted to keep hidden. It also showed that having a trusted relationship with a source could lead to insightful and helpful information that was not retrievable from other sources, such as FOI. I now discuss how I used

FOI, and some of the problems I encountered, along with the irregular way in which my requests for data were handled.

The Freedom of Information Act 2000

Coming into effect in 2005, the Freedom of Information Act 2000 gives the public access to recorded information that is maintained by public and statutory organisations, unless it can be withheld under a relevant exemption. There is a Scottish equivalent of the Act, though it was not used during this research project and thus I do not discuss it here. If information is exempted under FOI, the applicant requesting the information can request the decision to be internally reviewed by individuals not involved in the processing of the original request, and where matters are not resolved in favour of the requestor, the Information Commissioner's Office (ICO) can be requested to review the entire FOI request. If the ICO does not rule in favour of the requestor, the option is then open to take matters to the Information Tribunal. Ultimately, Ministers have the right to overrule all decisions and order the withholding of information if the release of information is not in the public interest.

In total, I made 131 FOI requests between November 2009 and July 2012. Though a significant amount of data was requested on various aspects of counter-terrorism, especially Prevent, a significant number of requests asked specifically for information that would enable the study to analyse how civil society was being co-opted, manufactured and used by the state for Prevent purposes. A lot of data in this sense was quantitative, comprising of, for example, funding that has been allocated to community/civil society groupings, the number of meetings between government agencies and civil society/community groupings and minutes/official records of these meetings to help shed light on what was being discussed and in what context. Out of the 131 requests made, 52 full disclosures were made, 26 'partial' disclosures and 52 requests led to no disclosure being made. Figure 1 notes the total number of FOI requests that were sent to

individual organisations and departments. In total, 23 internal reviews were filed, and 2 cases were escalated to ICO. FOI provides a large amount of freedom to public bodies to employ exemptions in order to withhold data, and in some instances, to even reject stating whether they hold the data or not. Whilst the act has numerous exemptions that can be relied upon in order to withhold data, the most common exemptions that I came across during my research were based on Section 23 (Security Bodies), Section 24 (National Security) and Section 31 (Law-Enforcement).

The section 23 (Security Bodies) exemption applies to any information pertaining to the Security Services (MI5), Intelligence Services (MI6) and GCHQ. If any information concerns these organisations, the public interest simply does not apply, or in FOI parlance, it is an ‘absolute exemption’. FOI is therefore extremely limited in obtaining information on ‘intelligence’ matters.

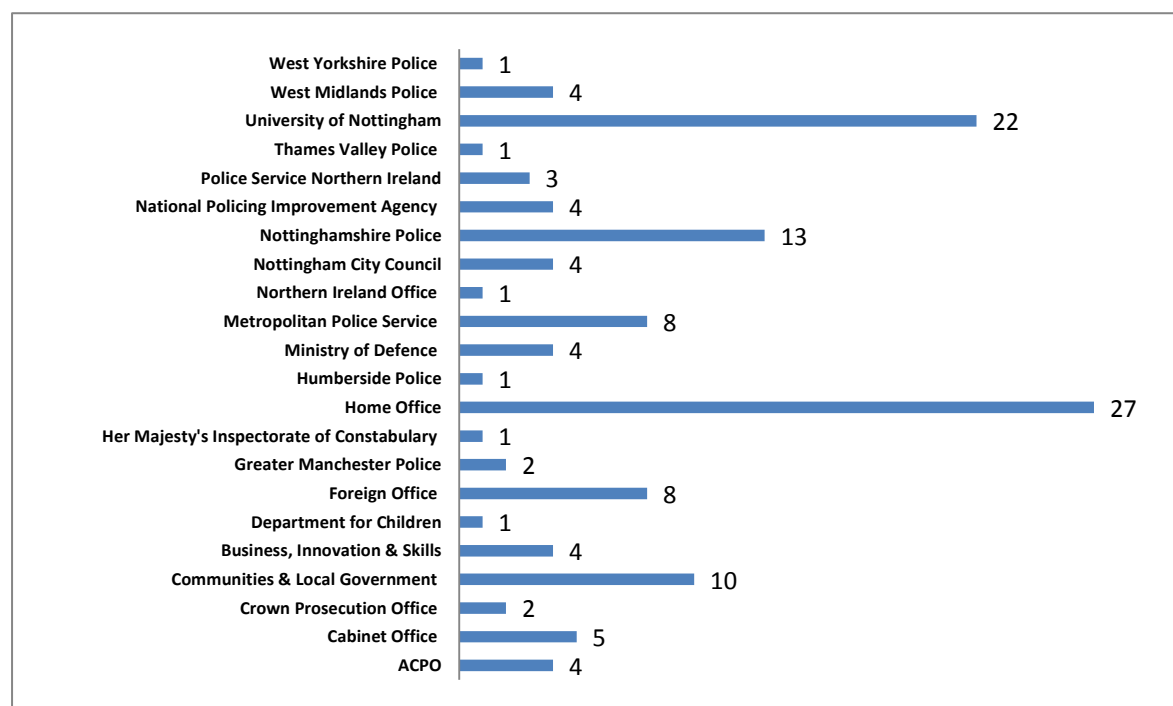


Figure 1: Breakdown of the total number of FOI requests sent by organisation

All of 43 English and Welsh police forces, along with the ACPO (and the Scottish equivalents), however, are covered under the act, hence information on counter-terrorism and security matters can still be obtained, though, as my correspondence with police forces and bodies connected to the police service reveal, there seems to be an over-reliance on the use of the Section 24 (National Security) and Section 31 (Law-Enforcement) exemptions.

On examination, 11 police forces and agencies connected with the police such as the ACPO and Her Majesty's Inspectorate of Constabulary (HMIC) were sent a total of 42 requests. 14 of these requests were exempted under national security and/or law enforcement grounds, leading to either a partial disclosure or no disclosure at all. The national security and law enforcement exemptions are 'qualified', which means that if they are employed, a public interest test must be undertaken to assess whether releasing the information outweighs national security and law enforcement concerns and vice-versa.

In some instances, however, where the national security and/or law enforcement exemptions are relied upon, the public body will 'neither confirm nor deny' whether it holds the information on the ground that doing so could undermine national security or law enforcement. In such a case, a public interest test is undertaken to assess whether confirming or denying the existence of the information is in the public interest or not. One request that I had made to the Home Office, asked for, amongst other things, the total amount of funding that had been allocated to the women's counter-extremism organisation, 'Inspire'. The Home Office, however, would 'neither confirm nor deny' whether they held the information on the ground that

confirming whether or not we have met with specific organisations as a part of the Prevent agenda would allow members of the public to identify which were taking part [and] should the identities of delivery partners become known, it would be likely to

damage their credibility as a voice, and therefore potentially jeopardise our ability to deliver the policy itself [which would] have an adverse effect on our ability to protect national security (Pottinger, 2012c)

Despite the fact that the Home Office would neither confirm nor deny that they held any information on Inspire, the Department for Communities and Local Government (CLG) provided a full disclosure, stating that Inspire had received funding under Prevent and provided copies of communications between Inspire and CLG. (Harrison, 2012) Relying on the neither confirm nor deny clause by the Home Office was therefore ineffectual in this instance as I was able to ascertain that Inspire was indeed a part of the Prevent agenda. The use of the national security exemption to neither confirm nor deny by the Home Office and the subsequent release of information by the CLG shows that requests are not always coordinated between CLG and the Home Office. However, where matters involve the police and the ACPO, collaboration and coordination to FOI requests does take place. This is worth explaining in more detail as it reveals the way in which requests are coordinated and the way in which researchers that use FOI are perceived.

Coordination for FOI purposes takes place under the auspices of the Central Referral Unit (CRU), which is situated within the ACPO. All requests submitted to individual police forces that relate to counter-terrorism or domestic extremism ‘must always be referred’ to the CRU for ‘appropriate consideration’ due to the ‘high-risk’ issues that such information relates to. (Association of Chief Police Officers, 2011a, 20) In other words, if an individual force is sent an FOI request on a matter involving counter-terrorism, this request will be relayed to the CRU who will be responsible for advising what reply should be issued. Though the reply will be sent by the police force the original request was sent to, the decision to exempt or release data is made after receiving centralised advice from the CRU; a phenomenon that reveals the

centralisation of FOI responses and the sensitivity associated with releasing information under FOI that involve counter-terrorism.

In addition to referring all FOI requests on counter-terrorism, individual police forces can also ask the CRU for advice and guidance on how to respond to a request for information or deal with a particular requestor that they 'have concerns about'. (Association of Chief Police Officers, 2011a, 20) My FOI requests to the police caused some concern. I sent two separate FOI requests to Nottinghamshire Police on the Muslim Community Organisation (MCO), and then a matter of weeks later, on the Karimia Institute. In seeking advice from the CRU on whether they could deny the information that I had requested by branding me to be 'vexatious', Nottinghamshire Police supported their case by stating that I was using FOI in order to obtain information 'to discredit the work the force carries out as part of PREVENT with Muslim organisations'. (Beresford, 2012b) This type of communication reveals how the employment of FOI – especially by a 'critical' investigator – is perceived by police.

When filing my requests, I was unaware that my FOI requests were being centrally coordinated. I began suspecting this only after I submitted the same FOI request to five individual police forces that maintained a CTU and asked for the number of staff seconded to the CTU's from the Ministry of Defence (MoD). When all five police forces, however, relied on the same exemptions (Security Bodies, National Security, Defence and Law Enforcement), that is when my suspicion grew. Later, when I filed a Data Protection Request to the ACPO, my suspicion was confirmed when a database that listed all of my FOI requests that had been referred to the CRU was released to me. (Beresford, 2012c)

Coordinating replies and providing 'advice, good practice and consistency' to FOI requests that are submitted to individual police forces is the objective of the CRU (Association of Chief Police

Officers, 2011a, 19), but on examination of the database that logged my FOI requests, it became apparent that not only were individual police forces referring my FOI requests to the CRU, but so were other organisations, including the Home Office, the Cabinet Office, the Department for Business, Innovation and Skills (BIS) and the National Policing Improvement Agency (NPIA). (Beresford, 2012c) At the time of writing, I have written to the ACPO and requested copies of the referral forms sent by all policing and non-policing organisations to the CRU in order to understand why my requests were being relayed to the CRU. According to a reading of the ACPO's guidance document on such matters, one reason for referring my requests to the CRU may be because part of the CRU's remit is to 'analyse intelligence'; (Association of Chief Police Officers, 2011a, 19) implying that my requests were being forwarded to the CRU in order to ensure that intelligence was collected on my use of FOI. Again, this reveals the sensitivity associated with issues concerning counter-terrorism and how the use of FOI by investigators is perceived.

In addition to collaborating in terms of how to respond to my requests, there were other problems with FOI too. On some occasions, no responses were issued, and on some occasions, time extensions were repeatedly applied; creating a sense that organisations were trying to stop the release of information. In terms of ignoring requests, the MoD stood out. I sent the MoD a total of four requests, and on all occasions, no disclosure was made, and on three of these occasions, no replies were issued to my requests either. In terms of not responding within the statutory time period, the Home Office and FCO stood out, especially where I requested information on the Quilliam Foundation. One request to the Home Office was filed in February 2010, and only a partial disclosure was made 8 months later, in October 2010. (Fanshaw, 2010) A similar request was made to the FCO in February 2010, and a partial disclosure was made six months later, in August 2010. (Hughes, 2010) These are merely two examples of a

disproportionate amount of time being taken to respond to relatively straightforward requests for data.

Notwithstanding the problems and time-extensions, there were some examples of good practice. In one request sent to the Police Service in Northern Ireland (PSNI), I had requested a breakdown of data concerning the number of terrorist incidents that took place in Northern Ireland from 2006-2008. Not only was a full disclosure made by the PSNI before the twenty day deadline period had expired, but a detailed breakdown of the type of person (police, military or civilian) that was killed as a result of the terrorist incident was provided, the nature of the incident (i.e., whether it was a bombing, shooting and incendiary) and whether Loyalist or Republican groups were responsible for the violence, in addition to the arrest & charge figures. (Reid, 2010a) A further 2 requests were submitted to the PSNI in which clarification was sought on the initial request. (Reid, 2010b; Reid, 2011) In both instances, a full disclosure was made before the deadline period expired. This was one example of good practice. A second involves CLG, who were exemplary in their processing of my requests. In total, I submitted ten FOI requests to CLG, and in reply, they disclosed data on all ten occasions without relying on exemptions.

In sum, FOI has a range of difficulties and limitations, which, as aforementioned, include reliance on a wide range of exemptions that can be employed where matters concern counter-terrorism, the delays often encountered when trying to retrieve information and the intense effort required when challenging unfair exemptions. The use of FOI thus requires a dedicated approach by the investigator if information of substance or value is to be retrieved. Though unable to pursue a majority of the requests through the internal and external review process, however, FOI was still able to allow the acquisition of data that was not present in the public domain and which subsequently helped inform my understanding of counter-terrorism policy

and how it was being implemented and understood. Acquiring data that is unavailable to the public is the purpose behind the legislation; however, the data provided by public bodies, in isolation, is limited in the insight it can provide. It is correct that individual pieces of information permit some form of insight to emerge, but alone, isolated pieces of information do not provide context. If an investigator is to therefore understand or contextualise policy and practice, FOI must be used in conjunction with other data sources. FOI, in other words, is *one* tool that is available to investigators but it must be used in conjunction with others, that is to say, it must be triangulated with other methods of data collection. I triangulated FOI with the Data Protection Act, which I now discuss.

Data Protection Act 1998

The Data Protection Act 1998 (DPA) gives members of the public the right to make a ‘subject access request’ in order to retrieve ‘personal information’ that is held on them by public and private bodies. In this sense, the DPA is different from FOI because it only allows the acquiring of personal data that relates to an individual opposed to acquiring information on matters of public interest. Under the DPA, personal data is any information from which a living individual can be identified. This therefore not only includes data that mentions an individual by name but also includes data that expresses an ‘opinion about the individual’ that can be identified as a result of that expression. (Information Commissioners Office, 2014a) According to the ICO, ‘where the ability to identify an individual depends partly on the data held and partly on other information, that data held will still be “personal data”’. (Information Commissioners Office, 2014a)

An example would be useful here. My name was publically connected to Operation Minerva thus any discussion or expression pertaining to Operation Minerva or the ‘anti-terror arrests at

Nottingham', unless exemptible, constituted my personal data because an individual could triangulate information and realise who the person being discussed in relation to Operation Minerva was. Another significant aspect of the DPA that draws it apart from FOI is that it can be used to request information pertaining to the security and intelligence services. In this sense, the DPA is more powerful than FOI, though only for the individual whose data it is.

The data acquired by me for this study was acquired in my capacity as a researcher and as a 'subject', but the point worth emphasising is that personal data can be requested by a third party, if consent is provided. (Information Commissioners Office, 2014b) This happened in the case of my civil claim against the police, for example, where I consented to my lawyers obtaining and accessing my personal data on my behalf. The same logic can be applied to academic researchers or journalists, who, with the consent of an individual, can obtain an individual's personal data. The notable advantage of employing DPA is the acquiring of information that is largely unobtainable through other means, especially FOI. DPA in this sense offers a powerful and useful method of data collection for research purposes on sensitive issues that would most certainly be exempted under FOI.

The DPA request submitted by my legal team on my behalf led to a substantial disclosure from Nottinghamshire Police, who had operational command of Operation Minerva. Whilst I have had sight of this disclosure, much of it is not relevant for this study as it comprises information such as witness statements, diary entries of officers involved in my arrest, and documents highlighting the strategy and methods of acquiring evidence and interview techniques that are specific to Operation Minerva and so on. One set of documents that comprise intelligence entries that were maintained on me by Nottinghamshire Police, have, however, been used for this study. This is because they reveal the type of activity that is developed into intelligence by the police and then used to inform other policing and law enforcement activity. The set of

documents are extremely powerful and permit an understanding on matters concerning intelligence collection and development, and the convoluted relationship between ‘Pursue’ and ‘Prevent’ to emerge.

In addition to the DPA requests that were made by my legal team, I submitted my own DPA requests too. Nine requests were made in total. The first of these requests was submitted to the University of Nottingham in 2009, in which internal communications relating to Operation Minerva and related issues were requested. It was the largest DPA request that had ever been received by the University and led to a substantial, though heavily redacted, disclosure (three lever arch files in total) which took me just under one year to examine. (Robinson, 2010) At the onset, there was nothing that seemed untoward with the processing of my request or the disclosure, though this quickly changed when I triangulated this data using data released to Dr Rod Thornton, who had sent his own DPA requests to the university concerning an employment tribunal in which he was involved in. After examining the information contained within his disclosure, it became evident that numerous pieces of information that constituted my personal data had either been redacted by the university or simply withheld.

Due to the fact that the time-frame for submitting a request for an internal review had passed, I submitted a complaint directly to the ICO. After 11 months and numerous exchanges later, the ICO stated that ‘it is unlikely that the University has complied with the requirements of the DPA in this case’ and added that ‘many of [the] redactions are unnecessary and therefore this data should have been provided to you’. (Thomas, 2011) Somewhat surprisingly, no regulatory action was taken against the university, though a meeting did later take place with ICO in order to discuss ‘the details [of Rizwaan Sabir’s] case and the larger scope of how [the University] manage[s] Subject Access Requests’. (Walsh, 2012) In the end, the university claimed that because I had already had sight of the documents from Dr Thornton disclosure that had been

withheld or redacted in my disclosure, I had ‘suffered no loss’ (Walsh, 2012) and therefore the data would not be provided.

Eight further DPA requests were submitted in late 2011 to the following organisations: the ACPO, the Department of Business, Innovation & Skills, the Crown Prosecution Service (CPS), the Home Office, MI5, the Metropolitan Police Service, West Midlands Police, the Serious Organised Crime Agency (SOCA) and Eurpol. All organisations released some data, with the exception of MI5 and the SOCA. MI5 stated that they held ‘no personal data to which you are entitled to have access under [the DPA]’ (Brett, 2012) and the Serious Organised Crime Agency (SOCA) similarly stated that ‘there is no information that SOCA is required to supply to you under the provisions of the [Data Protection] Act’. (Serious Organised Crime Agency, 2012)

When I triangulated the data acquired under DPA with data collected from other sources, a context began to emerge and I could either refute or corroborate information. However, even before I undertook triangulation, the data released under DPA was insightful and revealing within itself. For example, in the CPS disclosure that was made, a document noted that I was a known subject to MI5 prior to my false arrest for suspected terrorism. (MacLean, 2012) How and why I became known to MI5 is something I discuss in the following section of this chapter. Similarly, the disclosure by West Midlands Police led to the release of a log that documented my Schedule 7 stops and confirmed that ‘port circulations’ had been issued on my name (Firkins, 2012). Other pieces of information, such as those disclosed by the ACPO, reveal how my FOI requests were being inferred as being attempts to discredit the Prevent strategy, (Beresford, 2012b) how some requests that were submitted to non-policing organisations were being relayed to the CRU (Beresford, 2012c) whilst the Home Office disclosed emails that revealed the topics of discussion in one of my interviews with the respondent from the ACPO were being relayed to individuals within the Home Office for reasons that remain somewhat unclear (Pottinger 2012a;

2012b). Data released under the DPA, in other words, allowed me to understand the manner in which my research was being viewed.

In sum, DPA was useful in allowing me to collate data on an actual anti-terror operation (i.e., Operation Minerva); permitting me to connect random snippets of information concerning policy with practice and vice-versa. Acquiring personal data that is unobtainable through other avenues is the biggest strength of the DPA and can therefore prove to be extremely useful for research purposes, though it can only be used where the researcher is the subject or where consent of the individual whose data it is has authorised an investigator to acquire it. The strength and interest of the information obtained under DPA, though extremely insightful in isolation was given increased strength when it was triangulated. I shall now use two examples to highlight how I undertook triangulation as a method of analysing the data I had acquired through interviews, FOI and DPA, which revealed some ‘interesting’ information.

Triangulation

Whilst interviews, for example, provided an in-depth insight into counter-terrorism policy, they were limited in terms of providing any significant insight into how the policy was manifesting itself in practice. Respondents, for example, were unwilling to talk about particular individuals subjected to the Prevent programme, notably ‘Channel’, due to privacy and confidentiality concerns. Similarly, where matters concerned providing insight on actual terrorism cases, either the respondents did not have details, and where they did, were unwilling to share such details on the ground that doing so could undermine operational policing. Using the ‘between or across’ method of triangulation, that is to say, by combining interviews with information acquired under DPA, FOI and through background meetings, however, I was able to refute or corroborate particular information. In essence, triangulation permitted me to gain an in-depth and

contextualised understanding of counter-terrorism policy and how it was manifesting itself in practice. The following two examples highlight how I triangulated data sources and how they led to some significant insight into matters concerning intelligence sharing and intelligence gathering.

In a background meeting held in early 2012, a former police officer who had worked within West Midlands Police in an intelligence role informed me in an off the cuff remark that MI5 had some involvement in Operation Minerva. The officer was unable to provide any details as to what level or type of involvement MI5 had. He said that he did not have access to such information; however, considering that the remit of MI5 concerns information and intelligence, I assumed that their role would have concerned sharing intelligence. When I queried the officer how I could go about finding some form of evidence to back this up, the officer used words to the effect of: 'MI5 do not leave a paper trail of their involvement in counter-terrorism operations, so you won't find any evidence'. Eventually, however, I did come across some evidence; a filenote released to me by the Crown Prosecution Service (CPS) under DPA. (MacLean, 2012)

It is stated in this undated 'file note' that 'Thames House' (i.e., the headquarters of MI5) has a 'trace' on their intelligence database. (MacLean, 2012) This trace relates to my involvement in a 2007 campus protest that was undertaken to raise awareness of the wall that Israel has built in the West Bank with fellow students. During the protest, we erected an 8 foot wall that was constructed out of plaster board and placed in such a manner that one of the 3 paths leading to the library was blocked. During this campus protest, I was arrested by police 'in order to prevent a breach of the peace' from occurring. I was released without charge after approximately 30 minutes in custody, and no further action was taken.

During the protest, a debate took place with members of the Jewish Society, who were opposing the protest. The exchange involved an argument as to the legal status of the wall and the reasons

behind why I and my fellow activists were protesting. There was no swearing or threat of violence during this exchange. The encounter was subsequently logged on the intelligence system of Nottinghamshire Police and is provided verbatim:

At 1125 hours on the 30/07/2007 officers attended the Nottingham University due to a demonstration getting out of hand. On arrival the officers found that a large plasterboard wall had been constructed and was blocking a highway. This wall had been constructed by the student Palestinian Society in protest to a wall that is being built by the Israeli government in the West Bank. Also at the demonstration were member of the Student Jewish Society. A member of the student Palestinian Society became quite excited with his comments towards the student Jewish society and was arrested to prevent a breach of the peace. This male was Rizwaan Sabir dob [redacted] of [address redacted]. SABIR is no trace PNC details confirmed by DVLA. SABIR is an Asian male 5ft 06” tall of medium build. He has short black hair and a short black beard. (Nottinghamshire Police, 2007)

This is the only instance in which I had had any involvement with the authorities prior to Operation Minerva. As a result, unless I was under surveillance by MI5 prior to 2007, the only way that I could have come to the attention of MI5 was through the police having shared intelligence on my activities on campus with MI5. In other words, the intelligence that led me to be a known subject to MI5 prior to my involvement in Operation Minerva was based on campus activism. Indeed, my ‘heavy involvement in the University with pro-Palestine issues’ is noted by the CPS in the same file note (MacLean, 2012). In written correspondence, the Head of the Counter-Terrorism Division, Susan Hemming, informed me that the file note, along with other documents, were ‘compiled and considered [by the CPS] for the purpose of [your] potential prosecution [under Operation Minerva]’. (Hemming, 2012)

For the CPS and the police to have therefore known that MI5 had a ‘trace’ on their system means that there was some communication between the CPS and MI5. According to Hemming (2012), this communication took place through Nottinghamshire Police. She notes in her letter that ‘the file note document was prepared by a CPS lawyer from information supplied by officers of the [sic] Nottinghamshire Police’. Information collated during interviews and through other open-sources (see chapter two) reveals that MI5 align and work with CTU’s for precisely such purposes. In other words, the sharing of information between MI5 and the CPS, via the police, would not be particularly difficult. Therefore communication between the CPS and MI5 is likely to have occurred directly through the police but whether it took place before the launch of Operation Minerva or during it is unclear. When I asked the CPS to clarify when this undated file note was produced in order to determine when MI5 had become involved in Operation Minerva, Hemming (2012) stated: ‘I am not able to assist you with the date of the document’.

Despite not knowing *when* the communication between the CPS and MI5 took place, however, what is clear is that communication *did* take place between both organisations and that there had been some level of involvement from MI5 in Operation Minerva, thus the comments of the officer who made the off the cuff remark to me were corroborated, that is to say, MI5 had some involvement in Operation Minerva. When I wrote to MI5 requesting information under DPA, as aforementioned, no information was released. (Brett, 2012) However, despite the failure to retrieve information directly from MI5, the triangulation approach has permitted me to understand that intelligence that was developed by the police on a peaceful campus protest was relayed to MI5 and, more importantly, that peaceful activism was being used to assess whether a person was involved in terrorism and whether charges should be brought against them. Realising that background information and intelligence (i.e., the ‘trace’) informs counter-terrorism activity is essentially what led me to recognise that counter-terrorism practice was based on the concept

of collecting random pieces of information to inform the use of pre-emptive action against perceived opponents, which is essentially what made me realise that this policy had some form of connection with counterinsurgency theory, which also attempts to collect random snippets of information in order to inform pre-emptive action.

I also used a triangulation approach to examine whether the Prevent programme was collecting intelligence and information on non-criminal activity and on dissenting voices that were critical of government policy and practice. Politicians, many of my respondents and civil servants all deny that the Prevent programme is about gathering intelligence or ‘spying’ on Muslim communities. (Hanson & Malik 2010; Johnson et al 2010, Respondent 7, 2011, Respondent 2, House of Commons, 2010a, Ev. 75) Respondent 3 (2011) from the OSCT, for example, told me that ‘intelligence gathering is done for the sake of intelligence gathering by the Security Services and the Police under Pursue so why does it need a front [under Prevent]?’ The essence of this claim is that intelligence gathering under Prevent does not happen because Pursue exists.

After triangulating data that I had acquired under DPA and FOI, however, it quickly emerged that this boundary was theoretical and that in practice, information and intelligence was being collected for Pursue purposes through the Prevent programme; blurring the lines between these seemingly separate strands of policy. I shall briefly explain how I came to this finding.

The Muslim Community Organisation (MCO) is a Nottinghamshire based community organisation, which, according to its website, aims to ‘[e]mpower the community to tackle issues affecting their lives and to improve their quality of life’. (Muslim Community Organisation, 2014) According to data released by Nottinghamshire City Council, funding for the MCO was issued under the ‘Challenge and Innovation Fund’ of the Prevent programme totalling to £59,693. (Goodfellow, 2011) Information held on the Criminal Intelligence System of Nottinghamshire

Police suggests that members of the MCO have relayed information to the police on me whilst being involved with the Prevent programme. The intelligence entry notes:

Rizwan SABIR has been accessing the MSN live chat facility on the internet and Facebook pages and stirring up emotions and feelings among other uses by posting comments that are anti West and anti Prevent. SABIR is accused of fuelling propaganda with negative comments about police and the government

Sabir has also been entering into arguments with local people face to face with much of the same and has accused the chair of [the] Muslim Community Organisation - no further details - as having blood on his hands and that he should be ashamed of himself. This is believed to be [because] the chair is affiliated to the Labour Party and [Sabir] is referring to the war in Iraq. (Nottinghamshire Police, 2010c)

This intelligence entry needs explaining. I had used the MSN live chat facility to converse with friends and associates during the early stages of my research in 2009/10. One conversation took place with an individual from the MCO who had been hired to carry out the de-radicalisation work that the MCO had received funding for. This individual is a member of the local community in which I was brought up in, but it was the first time we were conversing. Though I have been unable to retrieve a copy of the MSN conversation due to the fact that the history option was disabled on my computer at the time I conversed with him, I recall the encounter and the conversation which took place. I was critical of the Prevent programme, policing practices and government counter-terrorism policies more generally, and to support my points, I shared a copy of a report produced by Kundnani (2009) with this individual. I was not, as is claimed in the intelligence log, discussing anything on 'Facebook' as I was not signed up to the social networking website at the time. I was not, as is also claimed, involved in spreading 'anti-West' or

‘anti-Prevent’ ‘propaganda’. Whilst I was critiquing counter-terrorism policies and practices, including the Prevent programme, and was trying to ‘persuade’ this individual to believe that Prevent was not what it seemed, I was not manipulating this individual, as the term ‘propaganda’ implies. It was an ‘academic’ discussion; hence sharing of academic research with him. The only way that this encounter could have come to the attention of the police and subsequently logged on their intelligence system was either through my communications being the subject of police surveillance or if it was passed to the police by the individual I had the exchange with. The second paragraph of the intelligence log, which I now contextualise, suggests that it was passed to the police by staff from the MCO.

The argument (not ‘arguments’) that took place with the Chair of the MCO occurred in 2006 - i.e., two years before Operation Minerva was launched and four years before the intelligence log was created. I was 20 years old, and an undergraduate politics student at the time. The date that this argument occurred is omitted from the log; generating the impression that it took place in 2010, but I recall the encounter. It occurred at my father’s workshop. The Chair was visiting the workshop in order to have his car repaired. I was present, along with other customers. I remember the argument because whilst we were arguing, the Chair gripped my collars and threatened to assault me if I continued challenging him on his lack of opposition to the Labour Party’s decision to launch the Iraq war. With hindsight, had I reported the matter to the police, there would have been a record of it but my failure to have done so means that there is no official record documenting the Chair’s behaviour toward me.

The date that this intelligence entry was logged by the police on their system is 22 February 2010. According to data released under by Nottinghamshire Police under FOI, three ‘informal’ meetings were held between the police and the MCO between 05 January 2010 and 25 March 2010, for which no meeting minutes were taken (Hitch, 2011) In other words, the information

contained on the intelligence system was logged by the police during the same time-period that they were informally meeting with the MCO.

By triangulating data sources, I have been able to reveal how information discussed in private settings with individuals associated with the MCO, who were working on the Prevent programme, were in receipt of Prevent funding and were informally meeting with the police, was appearing on criminal intelligence records, and during a time-frame which the police themselves confirm they met with members of the MCO. Moreover, the content of the intelligence entry, notably the omission of the Chair's behaviour toward me, suggests that MCO staff were responsible for relaying this information. Therefore, despite the claim being made that the Prevent programme is not used to collect intelligence, triangulation shows how intelligence is collected via organisations and individuals involved in Prevent activity. Simply put, one can trace the process of how legitimate activity and lawful dissent not only comes to be logged on intelligence databases, but also how such activity is perceived by the state and how it may be gathered. I now discuss how I shared my understanding of counter-terrorism as I was becoming aware of such matters in the following section.

Sharing data

Whilst undertaking this research, I have attempted to remain true to the spirit of 'public sociology', which is a style of sociology that transcends the academy and engages with non-academic audiences in a bid to find solutions to public issues and social problems. (Burawoy, 2004a, 2004b, 2005) I engaged with non-academic audiences whilst I was gathering data for this study on 8 occasions (between 2009 and 2013).

The benefit of engaging with non-academic audiences is that they are not usually familiar with particular concepts and thus have to be presented with information in a non-technical manner. Before being able to present information in such a way, however, the investigator has to

thoroughly understand an issue and in the process of doing so, develops their understanding further. At the same time, because the research becomes understandable to wider audiences, they are able to critique, challenge and make suggestions, which help develop the researcher's understanding further and can assist the investigator analyse problems in ways that they had not considered. Teaching and sharing knowledge is the best way to synchronise one's own learning. I explain how this happened in one instance.

On 20 May 2010, I presented a paper at the 'Kettling Police Powers Conference' in London on how the Prevent programme was operating in Muslim communities, and how pre-emptive action was being used to incapacitate those who were perceived to be 'vulnerable' to becoming involved in terrorism. Once the paper concluded, and the discussion commenced, audience members were suggesting that there were similarities between counter-terrorism practices which I had mentioned and the way political activists were being treated. Members of the conference, who were comprised predominantly members of the public and some political activists shared their experiences and stories of being subject to pre-emptive arrest prior to the occurrence of major public events. In this instance, I recognised that that the powers that were being used to counter the threat of terrorism were informed by the state's experience of dealing with political activists, protestors and dissidents, which helped me recognise that whilst my research was focused on counter-terrorism, some of it could be contextualised by touching upon the literature relating to how the state deals with, and has dealt with, activists, protestors and dissidents. Through this one event, I ended up consulting material on how the state had dealt with activists and dissidents and realised that many of the structures that are currently being used for counter-terrorism activity had been introduced in dealing with internal dissent and trade union activity in the latter half of the 20th century. Sharing knowledge, in other words, helps develop knowledge.

I was also disseminating much of my initial research data and my understanding, notably that which had been acquired under FOI and through open-source avenues such as the 'wiki-based' research platform known as 'Powerbase' (2014a). Powerbase maintains different portals on issues such as communication and propaganda, lobbying and counter-terrorism. The purpose behind Powerbase is to generate profiles on public figures and organisations engaged in activities on such areas. (Ahmed & Miller, 2010) The platform operates by bringing together information from different sources onto a specific page; citing references in order to maintain academic rigour.

In addition to the sharing of data through journalistic publications and Powerbase, some of the information that I had acquired during the course of this study, notably that which had been acquired under the DPA and FOI from the University of Nottingham and through my legal team from Nottinghamshire Police was shared with Dr Rod Thornton. Dr Thornton was my dissertation supervisor during the time of Operation Minerva and was involved in writing up an investigative report documenting the University of Nottingham's involvement with the case and its subsequent fall out. (Thornton, 2011) I shared it with Dr Thornton to ensure his report was as rigorous as possible; though the university claimed that his report was defamatory and suspended him post in 2011. (Jump, 2011; Yezza, 2011; Vasager, 2011) He eventually resigned from his post in 2012. (Lowman, 2012) In addition to this, I also shared Jameel Scott's interview transcript, after receiving written consent, with Dr Arun Kundnani (2014) who has since used the interview transcript in his latest book.

Sharing information with other researchers and with the wider publics through different platforms generated the sense that I was contributing to public debate and raising awareness of counter-terrorism policies and practices. This had the benefit encouraging the belief that the research was worthwhile and in the public interest opposed to being simply an academic venture.

Sharing data and findings does not mean that one has carte blanche to make whatever information one wishes to share public. According to the British Sociological Association, ‘although sociologists ... are committed to the advancement of knowledge, that goal does not, of itself, provide an entitlement to override the rights of others’. (2002, 2) In other words, research and dissemination of findings must be ethical and appropriate and must ensure that the rights of, for example, respondents, are not undermined or side-lined, even if it is for the sake of knowledge generation and exchange. Before concluding this chapter, I will discuss how I ensured ethical practice and confidentiality during this study.

Ethics & Confidentiality

This study was given ethical clearance and approval when it was launched in 2009 by Strathclyde University’s Ethics Committee. Informed consent was sought when interviews were undertaken. Prior to the interview, a ‘participant information sheet’ was issued to the respondents in order to ensure they understood the research that was being undertaken and what their involvement would entail. In particular, participants were informed about 1) the purpose of the investigation; 2) what was required of the participants during the interview; 3) the potential risks to participants, notably that they would be discussing (potentially) politically controversial subject-areas and 4) what would happen to the information once it had been collected. Once this information had been provided, a ‘consent form’ was issued and participants were requested to sign this form prior to the commencement of the interview. The consent form noted that participation in the study was voluntary and that identities would remain anonymous if respondents so wished. Under the BSA’s Ethical Practice code, any information obtained in an interview situation can be used and quoted but the source of the information will not be identified by name and nor will other information that could potentially be used to identify the

interviewee be published. In order to ensure that any information could not be used to identify the identities of the respondents, all respondents were awarded anonymity, save from one respondent. In this instance, the participant agreed that all outputs refer to him with an alias of 'Jameel Scott' instead of the respondent's real name. An individual consent form was written up for this purpose and signed by Scott.

The research for this PhD was done entirely overtly. All participants and organisations that were contacted were aware that I was a researcher, who was interested in acquiring information for my PhD studies, and during most of the exchanges, respondents had an awareness of my involvement in Operation Minerva, and where they did not, this was something that I mentioned in the interest of transparency. Some participants requested copies of the interview transcripts for their own records, and in such cases I provided copies. Respondents were permitted to suggest changes to the transcript if any part was factually incorrect but no requests for alterations were made.

In terms of document security, information, notably the interview recordings and transcripts, were secured in a password protected computer file on my personal computer, and backup copies were made on and offline. In terms of the information acquired under the DPA, this was my personal data which redacted the identities of any third parties when it was released to me, hence this information was stored in non-password protected file on my computer and in hard-copy at my personal residence. Though the information acquired under the DPA was used by me in some presentations and talks that were given in academic and community settings, due to the sensitivity of the data, and mostly because it related directly to me, I only provided this data to a select number of researchers and academics, and on the condition that it could only be used as background information rather than being published.

Conclusions

In this chapter, I have highlighted my personal involvement with Operation Minerva and the fallout from it, notably by referring to my experiences of being stopped and searched under Schedule 7 of the TACT 2000. The purpose of declaring this is to clarify that I have researched counter-terrorism and the 'powerful' opposed to the 'powerless' because of my personal experience. In essence, I wanted to understand what had happened to me and why but in the context of wider counter-terrorism policies, practices and structures. In my view, the best method to do this was through academic research.

Combining my direct experience with academic scholarship is an added benefit of this study because it allows the study to provide an insight and nuance that is seldom provided in conventional studies of counter-terrorism. This is not to imply that conventional studies of counter-terrorism are not rigorous or based on empirical research. Rather, it is to suggest that conventional studies of counter-terrorism, due to the lack of an investigator's direct experience of counter-terrorism measures may cause the research to lack an element of nuance and perception that can only emerge out of a direct and lived experience. 'Direct experience', notes Douglas, 'is the most vital basis for all of the researcher's further methods of getting at the truth'. (1976, 108-9) In this regard, this study is unique.

Another reason why I have highlighted my involvement with Operation Minerva is because this experience has affected the research approach and methods that I have employed, which I term 'investigative research'. An investigative research approach as opposed to a cooperative research approach was adopted for three primary reasons.

Firstly, investigative research methods were the only way of acquiring data on Operation Minerva because of the sensitivity associated with counter-terrorism operations. Through this

data, I have been permitted to understand wider counter-terrorism policies and practices through the context of an actual counter-terrorism case and deduce how counter-terrorism was operating in a wider sense. The above section discussing the MCO and the gathering of intelligence under Prevent is a case in point.

Secondly, because counter-terrorism is fundamentally connected to ‘national security’ and is therefore considered sensitive and secret, it cannot be researched through purely cooperative methods. When the powerful are being researched, they do not wish for an understanding of their power to be fully understood lest it can be challenged, resisted or undermined and are therefore less willing to cooperate for research purposes. This makes cooperative methods difficult to employ and makes them very limited in the insight and understanding they can provide, as the interviews I employed, to some degree, suggest. More importantly, however, they make investigative research a necessity rather than a choice.

Thirdly, enshrined within the investigative research approach is the concept of ‘triangulation’, which is central to understanding data that has been acquired through multiple sources. The research methods employed in this study were useful and powerful in terms of the data they produced but were limited in the sense that they only led to the acquisition of partial information. In isolation, this partial information does not make much sense or allow one to deduce particular themes or trends. However, when triangulated with other pieces of information that have been acquired from various sources, including cooperative sources, they permit the emergence of context. For example, various documents acquired during the course of this study, including policy documents, suggested that intelligence collection was a fundamental part of policing and counter-terrorism activity, but the questions – how was intelligence collected and why was it being collected – remained unanswered. When triangulation was employed, however, it became somewhat clearer how intelligence was being collected and how it was then

being used to develop a localised understanding of not only those who were perceived to pose an alleged threat but also an understanding of the people who could be ‘partnered’ with to carry out counter-terrorism/counter extremism work within local communities and beyond. This then led to the understanding that the concept of a centrally coordinated strategy, but one which was ultimately based on a localised understanding that had emerged from the collection of localised (overt and covert) intelligence, was based on counterinsurgency theory. This therefore helped develop more questions and helped shape the study further.

For a subject area such as counter-terrorism, which is largely secretive and concealed, investigative research is therefore not only an appropriate but necessary method of collecting and analysing data. In the following chapters, data that has been collected from multiple sources will be triangulated in order to show how counter-terrorism policy operates in theory and practice. It will also showcase how triangulation helps reveal and uncover patterns and themes that aid readers understand the complex terrain that is counter-terrorism.

Chapter 3

Pursue

Introduction

The UK has a long history of countering ‘terrorism’ that commenced in the late 1800’s which consists largely of violence orchestrated by the armed Republican Irish groups (see Hewitt, 2008, 9-28) notably the Irish Republican Army (IRA) who launched operations in on the British mainland. They targeted, to name a few well-known examples, the Old Bailey, Canary Wharf, the Conservative Party Conference in Brighton, Birmingham and Manchester city-centres, the headquarters of MI6 and Downing Street. With the signing of the ‘Good Friday Agreement’ in 1998 – a watershed moment in Tony Blair’s prime ministerial term - a process of reconciliation & negotiation began; leading eventually to a power-sharing agreement between Republican/Nationalist and Loyalist/Unionist parties in the North of Ireland and a cessation of hostilities. The UK’s experience of countering terrorism and political violence is therefore historically rooted and extensive.

Since the attacks of 9/11 and 7/7, however, this infrastructure has been expanded and reinvigorated in order to counter the perceived threat of al-Qaida (or ‘Islamist’) ‘terrorism’, which poses, it is claimed, one of the main threats to the UK, and to international stability more generally. The UK’s National Security Strategy notes - ‘no state threatens the United Kingdom directly’ but instead an ‘interconnected set of threats and risks’ such as ‘international terrorism, weapons of mass destruction, conflicts and failed states’ affect the UK. (HM Government, 2008a, 3) In other words, the threat is unconventional, interconnected and largely ‘asymmetric’.

CONTEST – an acronym for ‘Counter-Terrorism Strategy’ first launched in 2002 – was devised to counter asymmetric threats, primarily terrorism. From 2007 until 2015, it cost a total of £7.74 billion. (HM Treasury, 2007, 111; HM Government, 2009a, 113) The strategy was created and managed under the strategic command of Sir David Omand, (Keeling, 2011) a life-long civil-servant with a background in intelligence and security, including having served as the Director-General of GCHQ in 1996. Prior to its creation, notes Respondent 12, formerly of the Cabinet Office who was involved in creating the strategy, ‘a note [was sent] around the relevant government departments, [the] police and the intelligence agencies’ which said ‘that we ought to work on a counter-terrorism strategy’ that would align the activity of various departments ‘so [they] can [have] a sense of strategic direction’. (2012)

In total, 28 departments were involved in creating CONTEST, (HM Government, 2009a, 159-161) including governmental departments and military, policing and intelligence agencies. The departments were diverse and extensive because the strategy not only focuses on countering the threat of terrorism on a domestic front, but overseas too. ‘Counter-Insurgency work in places such as Iraq and Afghanistan’, the strategy notes, ‘is closely coordinated and related to the counter-terrorism work in the UK because ... [it] reduces the threat level to the UK and it’s overseas interests’. (HM Government, 2009a, 59) Therefore, CONTEST amalgamates, as noted by Respondent 12, ‘very different kinds of work being done overseas by the Foreign Office, domestically by the police [and through] legislation, work by the Home Office [and] work on the national critical infrastructure and civil contingencies ... by the Cabinet Office’ into one strategy. (2012) Due to its wide ranging remit, CONTEST is divided into four work streams – the 4 P’s as they are commonly known - *Pursue, Prevent, Protect and Prepare*.

The Pursue work stream, which this chapter focuses on, is concerned with reducing and confronting the terrorist threat through the use of force, notably policing, military, intelligence

and legal approaches. It also uses executive powers - i.e., powers not subject to judicial review – to authorise control orders/house arrest and citizenship/passport revocation. The Prevent strand is concerned with tackling ‘radicalisation’, which CONTEST defines as ‘the process by which people come to support violent extremism and, in some cases, join terrorist groups’. (HM Government, 2009a, 11) Prevent is thus the UK’s official ‘de-radicalisation’ programme, which is involved in mentoring those considered to be susceptible to internalising ‘extremist ideology’ through the Channel programme and through the undertaking of carefully organised actions that communicate messages, or more simply ‘strategic communication’. It is the concept of strategic communication that integrates Pursue into Prevent and blurs the boundaries between the two.

Pursue is based on the use of force against suspected terrorists but the impact the use of force has on wider/innocent populations can cause them to self-discipline their behaviour, as discussed in chapter 1. However, strategic communication, which is undertaken through Prevent and is a communicative practice that purposefully/intentionally takes action – including the use of force - to communicate messages that cause an alteration in behaviour means that Prevent is an extension of Pursue. Changing behaviour or dissuading people from supporting extremist ideology, in other words, is meant to be reserved for Prevent, however, because a central aspect of strategic communication is based on employing intentional force to communicate messages means that Prevent is actually an extension of Pursue. This means it is less about ‘soft’ power or ‘winning hearts & minds’ , as is repeatedly claimed in policy documents and more about using coercion to alter the behaviour of not only of ‘suspected’ (i.e., innocent until proven guilty) terrorists but the population more generally. Furthermore, it suggests that both Pursue and Prevent, which are claimed to be separate strands of CONTEST, are in integrated, or to put it crudely, one and the same. To therefore understand how counter-terrorism policy and practice operates in its entirety, it is critical that both Pursue and Prevent are analysed. The focus of this chapter is therefore on Pursue, whilst chapters 4 and 5 focus on Prevent.

The latter P's - Protect and Prepare – are not examined in this chapter nor in this study for two primary reasons. Firstly, the areas/research questions this study is interested in examining/answering revolve around the methods, purpose and impact of coercive/forceful measures (Pursue), the shaping of ideas, views and attitudes (Prevent) and how they intersect. The latter P's, which aim to increase the resilience of the UK through protective security measures and mitigate the effects of an attack (HM Government 2009a, 15, 16) are focused on resilience and risk-reduction, meaning they are 'defensive' measures, or more simply 'anti-terrorism' as opposed to 'counter-terrorism'. Anti-terrorism revolves around risk reduction and improving defensive capabilities whereas counter-terrorism is based on employing pro-active and pre-emptive methods/approaches to incapacitate and prevent suspected and potential terrorism. Analysing Protect and Prepare therefore diverts from the focus of this study. Secondly, the data-collection for this study has revolved, almost exclusively, around understanding Pursue and Prevent; not Protect and Prepare and therefore attempting to analyse these policies would not be empirically driven. For these two reasons, the focus of this chapter (and the study) is on Pursue and Prevent.

As a strategy, CONTEST has specifically been drafted to deal with militant Islam, in particular al-Qaida. Though armed Republican groups in the North of Ireland are still involved in carrying out political violence (see Miller and Sabir, 2012) the perceived threat in official estimates from this opponent at the time of writing is considered to be minimal, or in official policy parlance, stands at 'moderate'. According to the MI5 threat assessment, this means 'an attack is possible but unlikely'. (MI5, 2014) According to the same threat assessment, at the time of writing, al-Qaida is considered to pose a 'substantial' threat to the UK, meaning there is 'a strong possibility' of an attack. (MI5, 2014) This chapter is therefore concerned with examining the domestic activities undertaken under the auspices of the Pursue strand of CONTEST in order to

counter the threat from al-Qaida; not armed Republican groups. The only discussion of armed Republican groups revolves around comparing how the state has dealt with this opponent ('old' terrorism) compared to al-Qaida ('new' terrorism) in the subsequent section of this chapter.

The chapter will then examine how the laws introduced in the aftermath of the 9/11 attacks were initially targeted at foreign nationals, many of whom had been residing in the UK since the 1970s and 1980s. It then examines how the approach to countering terrorism in the UK shifted once it emerged that the London bombings (7/7) were undertaken by so called 'home-grown terrorists' – i.e., British citizens who were born and raised in the UK. The chapter pays attention to the reasons why the Terrorism Act 2006 and the counter-terrorism policing and intelligence infrastructure expanded by focusing on the creation of regional Counter-Terrorism Units, which have MI5 staff permanently embedded within them. The chapter argues that the presence of MI5 personnel suggests a desire to take pre-emptive action against suspected terrorists, which relies on an increased focus on collection and use of intelligence. The use of pre-emptive action based on intelligence as opposed to 'evidence' is then examined in three high profile anti-terrorism operations. Attention is also paid to the complications which can arise as a result of executing operations on intelligence. The chapter argues that 'intelligence led' arrests lead to a disproportionate number of arrests and a low conviction rate. Data on arrests and convictions, show that Section's 57 and 58 of the Terrorism Act 2000 have been the second most used offences to secure convictions. They make it an offence to be in 'possession' of 'articles' and 'documents' useful for terrorism, but do not require the Crown to prove an 'intent' or indeed any connection to 'terrorism'. Such legislation, it is argued, criminalises innocent activity, but more importantly, suggests that the police rely on broad powers to convict people who have no connection to terrorism or intent to commit terrorism, thus bringing official threat assessments into question and showcasing that Pursue and Prevent are, once again, acting in a similar capacity. The chapter concludes by showing that Pursue is ultimately based on taking pre-

emptive action but such an approach has two fundamental problems. Pre-emptive activity leads, firstly, to a suspension of long-held democratic principles; creating – and normalising to some degree – a ‘state of exception’ and secondly, it leads only to a small number of terrorism convictions; helping create an impression that the police are ‘hyping’ the ‘terrorist’ threat for political purposes, which reduces public confidence in the police and its activities.

New Measures for ‘New Terrorism’

The UK’s history of countering and confronting terrorism has a long history, notably due to its experience of countering the IRA in the North of Ireland and in Britain. However, as useful as the UK’s experience of dealing with Irish Republican activity has been, it is claimed to be limited because al-Qaida terrorism is considered to be a ‘new’ form of terrorism that poses a much more serious and lethal threat than the ‘old’ terrorism associated with the national liberation movements of the 20th century. ‘For 30 years or more we had been facing a deadly campaign of terrorism’, notes the former National Coordinator for Counter-Terrorism, Detective Assistant Commissioner (DAC) Clarke, ‘but it was different to that which we now face’. (2007, 18) It is different, according to DAC Clarke, because it is considered to be the ‘reverse’ of previous threats the UK has faced. (2007, 19) The IRA, he notes, was more ‘conventional’ because it ‘operated within a set of parameters’ and its operatives conducted their operations in ‘tightly knit networks’ and were ‘desperate to avoid capture’ and certainly had ‘no wish to die’ (Clarke, 2007, 19). The issuing of warnings, even though they were ‘misleading’ at times, ‘enabled the political process to move forward’. (Clarke, 2007, 19) Furthermore, they had a political agenda and political objectives which allowed violence to stop and negotiations to move forward. (Clarke 2007, 19) Al-Qaida terrorism, on the other hand, he contends, is ‘global in origin, reach and ambition’ and ‘the networks are large fluid, mobile and incredibly resilient’. (Clarke, 2007, 19) Moreover, the opponent does not provide ‘warnings ... and the evidence suggests, that on the contrary, the intention frequently is to kill as many people as possible’. (Clarke, 2007, 19)

Furthermore, unlike the IRA, al-Qaida does not have ‘an obvious political agenda around which meaningful negotiations can be built’. (Clarke, 2007, 19-20).

What is essentially claimed is that al-Qaida terrorism is a ‘new’ form of terrorism that poses a new threat, which – unlike the ‘old’ terrorism of the IRA that was politically motivated and had operated within a set of parameters – is ideologically and religiously motivated, and because it does not have a traditional hierarchical structure and because it aims for maximum casualties, does not allow for a cessation of hostilities or a political process to move forward. Al-Qaida terrorism is ‘more akin to 19th century nihilism’, notes the former Home Secretary, Charles DAC Clarke, ‘than [it is] to 20th century liberation’. (Clarke, 2005) The following section of this chapter examines how these exceptional measures were applied to the ‘new terrorists’ who were mainly foreign nationals of Middle Eastern and North African origin and had been residing in the UK since the 1970s and 1980s.

The ‘Usual Suspects’

The UK has long acted as a safe-haven for foreign dissidents and radicals who have been involved in subversive activities in their own countries, not only Karl Marx, but contemporary ‘Islamist radicals’ involved in political and subversive activities against authoritarian and military dictatorships in the Middle East and Africa too. (Kilcullen, 2007c, 653-4) They had been permitted, notably since the 1970s and 1980s onwards, to reside in the UK – or ‘Londonistan’ as it was famously termed by French intelligence – on the condition that irrespective of whether they were involved in inciting political violence overseas, they would not attack the UK or its interests and in return, the British authorities would not harm their lives, wealth or property.

Omar Bakri Mohammed had termed this agreement a ‘covenant of security’. (Fielding, 2005, 14) Bakri had arrived in the UK in 1986, and became one of the most notable and well recognised

proponents of political Islam, earning the nickname - the 'Tottenham Ayatollah'. He led the UK wing of Hizb ut-Tahrir (HT) and gave lectures and talks at universities throughout the UK. After internal disagreements with the international leadership of HT, however, he resigned and went on to form Al-Muhajiroun in 1996; an organisation that was eventually proscribed under the Terrorism Act 2000. Bakri had insisted that his followers obey the 'covenant of security', though once Al-Muhajiroun was proscribed in 2004; he reportedly informed his followers that the covenant of security was void. (Fielding, 2005, 14) Bakri's fiery sermons, in which he described the 9/11 hijackers as the 'magnificent 19' and the 7/7 bombers as the 'fantastic four' would eventually result in him being denied entry to the UK and would force him into exile in Lebanon in 2005, where he remains. (Hewitt, 2008, 64),

Another notable 'radical' is the Jordanian national, Omar Mahmoud Othman, known better as Abu Qatada. Qatada had arrived in the UK with his family in 1993, on a forged United Arab Emirates passport, and had claimed asylum on the grounds that he had been tortured by the Jordanian authorities. (Casciani, 2013; Travis, 2009) In 1994, he was granted asylum by British authorities but in 2001, his citizenship was stripped, his refugee status revoked and he was interned at Belmarsh prison and eventually made the subject of a control order. (Travis, 2009) Qatada, who was convicted in absentia in Jordan on terrorism charges, according to press reports, has been described as a European al-Qaida facilitator and Osama Bin Laden's 'right-hand man'. (Travis, 2009; Casciani, 2013) He was also claimed to be responsible for 'radicalising' a number of the 9/11 hijackers after his sermons were found in a Hamburg apartment where some of them had stayed. (Hewitt, 2008, 64) After numerous legal challenges, he was deported to Jordan in 2013 after both countries signed a treaty in which assurances were provided that evidence obtained by torture would not be used against him in any retrial that he faced. (AFP, 2013)

In addition to these two notable individuals was the one-eyed, hook-handed 'poster-boy' for terrorism, Mustafa Kamel Mustafa, better known as Abu Hamza al-Masri. Masri had arrived in the UK in 1979. (BBC News, 2010) He moved to Afghanistan in the 1980's, and whilst reportedly working on a demining project lost a hand and one of his eyes. After returning to the UK for treatment, he reportedly left to fight in Bosnia in 1993. (BBC News, 2010) On his return to the UK, he took control of Finsbury Park mosque until it was raided by police in 2003 and weapons, consisting of a stun gun and handguns (capable of firing only blanks), were recovered. (Hewitt, 2008, 65) Hamza was prosecuted, amongst other offences, for soliciting murder and possessing documents contrary to S.58 of the Terrorism Act 2000 and imprisoned for 7 years in 2006. (BBC News, 2006a). His name has been associated with a number of contemporary 'Jihadi' figures, who, it is claimed, he 'radicalised'. They include Richard Reid the 'shoe bomber', Zacarias Moussaoui, the alleged twentieth 9/11 hijacker and Abu Doha, the Algerian who is claimed to have been involved in a plot to bomb Los Angeles Airport in 2000. (Hewitt, 2008, 65) In 2010, the Home Secretary's attempt to strip Hamza of his citizenship had failed, but in 2012, he was extradited to the US, where he awaits trial for terrorism offences alleged to have taken place in Yemen. (Bowcott, 2012)

The presence of individuals such as Qatada, Bakri and Hamza in the UK was permitted on the understanding that these individuals were not a threat to the UK and were involved, instead, in pursuing agendas and activities against foreign governments. In the immediate aftermath of 9/11, however, investigating these so-called 'radicals' became a priority in order to determine, according to DAC Clarke, 'whether they were engaged solely in support, fund raising and the like, of terrorism overseas, or whether they posed a real threat to the UK itself'. (Clarke, 2007, 20) In other words, the 9/11 attacks prompted the UK authorities to investigate those who had resided in the UK for numerous years, that is to say, to use its new powers to investigate old but

'high-profile subjects'. However, it wasn't only just high-profile individuals that were investigated, but ordinary foreign nationals who were living in the UK too.

The first of these cases involved Lofti Raissi, an Algerian pilot who had, it was claimed, trained four of the 9/11 hijackers. Arrested and interned in Belmarsh high-security prison for 5 months, it later emerged that he was innocent and in 2010, won an undisclosed sum in damages. (Lewis and McVeigh, 2010) Then there was the so-called 'Ricin Plot' in which seven men of North African origin were arrested in North London. The 'plot' was cited by Colin Powell, the then US Secretary of State, at the United Nations in order to show a connection between Iraq and al-Qaida in order to justify an invasion. All the men, however, were acquitted after it emerged that the prosecution's case almost entirely rested upon a series of handwritten notes on how to produce ricin, which had been written by one of the men who was already serving a prison sentence for stabbing a Special Branch officer whilst being arrested in Manchester. (Archer & Bawdon, 2010) Indeed, as Archer and Bawdon (2010), the lead jurors in the trial, show, there was no ricin and there was no 'plot'.

Accompanying this case one year later came the arrest of 10 people in 2004, including one woman and a 16 year-old-boy, mostly Kurdish nationals, who were, it was claimed, planning on undertaking suicide bomb attacks at Old Trafford football stadium when Manchester United were to play Liverpool. (ABC News, 2004) All 10, however, were eventually released without charge after it emerged that the police operation rested almost entirely on the possession of outdated Old Trafford tickets and photographs that had been taken by the accused of the stadium; notably because they were Manchester United fans. (Hewitt, 2008, 43; Bright and Panja, 2004)

The targeting of known subjects and the undertaking of anti-terror operations involving foreign nationals shows that the counter-terrorism activity in the immediate aftermath of the 9/11 attacks had a 'reactive' quality to it. This is indeed shown to be the case if one calculates the arrest figures in the immediate aftermath of 9/11, which reveal that the number of people arrested within one year of the 9/11 attacks had increased by 151 per cent. (Home Office, 2012, 19)

This reactive quality can also be seen in the laws that were passed in the immediate aftermath of 9/11 too. Not only were they passed in record time but were structured to target mostly foreign nationals; notably because the threat assessment, based on the 9/11 attacks, was that foreign nationals posed the most significant threat and the legislation was therefore drafted to reflect this. The following section examines the legislation that was introduced by the government in the aftermath of 9/11, and which has one common factor to it – pre-emptive incapacitation.

Pursuing through Pre-emptive Laws

The Terrorism Act 2000 was already in place prior to the attacks of 9/11. It was introduced in February 2001 after Lord Lloyd of Berwick was commissioned by the Conservative Prime Minister, John Major, to review the UK's counter-terrorism legislation. Lord Lloyd, in 1996, recommended that despite the reducing threat from Republican violence connected to the North of Ireland, the UK should have a permanent piece of anti-terror legislation in order to address the evolving threat of terrorism, which would most likely be directed from the Middle East. 'We have had so-called temporary provisions on the statute book for over 25 years' the former Home Secretary, Charles Clarke told Parliament, '[and] the time has come to face the fact of terrorism and be ready to deal with it for the foreseeable future'. (Cited in Walker, 2009, 24)

Lord Lloyd's recommendations eventually led to the enactment of the Terrorism Act 2000; a significant moment in UK legislative history, not only because its focus was ultimately on countering international terrorism as opposed to terrorism concerned with the North of Ireland but because, unlike its predecessors, an exceptionally powerful piece of legislation, was now permanent. This is significant because the temporary status of its predecessor meant that it was subject to annual Parliamentary scrutiny, but because the act is now permanent means that it is not subjected to the same level of debate and critique. Whilst under Section 126 of the act, the Home Secretary is required to report on the working of the legislation, it is not subject to the same level of critique or challenge that its predecessor was. (Walker, 2009, 24-5) '[T]here is [no] ... serious chance', writes Walker, 'that any part of the legislation will be struck down or seriously analysed in an hour and a half [Parliamentary] debate'. (2009, 25)

The main powers of the act are based on a broadened definition of terrorism. Under the Prevention of Terrorism Act 1989, 'terrorism' was defined as 'the use of violence for political ends, and include[d] any use of violence for the purpose of putting the public or any section of the public in fear' (Shaw and Thacker, 2000, 1) but the definition within the 2000 Act is far more detailed and far lengthier. For example, terrorism is defined as the 'use or *threat*' of force in order to 'influence the government for a ... political, religious, racial or ideological goal', regardless of whether it's in the United Kingdom or abroad. (Walker, 2009, 7-9) This definition therefore not only outlaws the use of violence but also the 'threat' of violence if it is aimed at influencing the government, regardless of whether the government is British or foreign. Its impact on those supporting campaigns for self-determination or for those fighting against 'despots' is troubling.

Other powers introduced under the act include increased proscription powers for the Home Secretary and the introduction of the now defunct Section 44 stop and search power that permitted a police constable to stop and search any member of the public, within a designated

zone, 'without' reasonable suspicion. The act is comprehensive and runs to 131 sections and 16 schedules. (Walker, 2009, 23) However, its contents are largely based on existing measures; that is to say, it is largely based on the UK's experience in the North of Ireland. Although the act was passed after deliberation and consideration, because it is based on previous measures used against the threat of terrorism in the North of Ireland, there were claimed to be gaps in the TACT 2000; hence laws that would allow the state to use preventative and pre-emptive tactics in order to confront 'new terrorism' were implemented. Much of this new legislation, as shall now become examined, was not only exceptional, but was based on little deliberation or consideration, was reactive and was hastily drafted in the immediate aftermath of the 9/11 attacks.

The first piece of legislation that was passed was the Anti-Terrorism Crime and Security Act 2001 (ATCSA), which increased the power of the police and security services to access electronic records and information relating to 'terrorist' finances. Most importantly, and indeed controversially, was Part 4 of the Act, which authorised a derogation from Article 15 of the European Convention of Human Rights (ECHR) on the ground that there was 'public emergency threatening the life of the nation' and therefore made the internment of foreign nationals legal. Those individual who were interned were suspected of being involved in terrorism but could not be charged with an offence or deported to their country of origin, either because the evidence against them failed to meet the legal threshold of 'beyond reasonable doubt', the incriminating evidence against them was too sensitive as it had been acquired by foreign intelligence services, with the collusion of MI5, and there was no desire to expose such methods in court, and because Article 3 of the ECHR prevents the deportation of individuals who face the prospect of torture in their country of origin. (Hewitt, 2008, 38) The Act took a record 33 days to introduce, despite being defeated seven times in the House of Lords and twelve times during the report stage. (Nicholls, 2002, 2)

In total, 17 men were interned under the act, all foreign nationals of Middle Eastern origin. (Garcia, 2011) Ever since its introduction, the act faced criticism for allowing individuals to be detained with no regard for legal or due process; undermining the historic principle of habeas corpus that had been codified under the Magna Carta. (Ansari, 2004, 6-14) ‘The real threat to the life of the nation’, Lord Hoffman famously declared, ‘comes not from terrorism but from laws such as these’. (Travis et al, 2004) The House of Lords in 2004 eventually declared that Part 4 of the Act was unlawful and discriminatory, which led it being eventually repealed. (A v. Secretary of State for the Home Department, 2002) However, it was immediately replaced with the Prevention of Terrorism Act 2005, which introduced ‘control orders’.

A control order is an executive order (i.e., not subject to judicial review) that is issued by the Home Secretary and authorises the emplacement of a number of restrictions, including ‘house arrest’, on any person, including British citizens, who are ‘suspected’ to be involved in terrorism but cannot be tried or charged with an offence either because the evidence against them does not meet the legal threshold of ‘beyond reasonable doubt’ or because it is based on intelligence that has been acquired, as was the case with the ATCSA, from foreign intelligence agencies and sources, who employ torture and thus there is no desire to expose such methods in an open court, hence it remains secret. Because the controlees or their lawyers cannot see the evidence against them; the individuals subjected to the order cannot mount a meaningful defence in court (Liberty, 2005; International Commission of Jurists, 2009, 110-13). According to the Independent Reviewer of Anti-Terrorism Legislation, control orders therefore ‘infringe’ the principles of ‘open justice’ and ‘fair trial’. (Anderson, 2012, 47)

Because evidence cannot be shown directly to controlees, a ‘special advocate’ scheme exists, which allows for a security-cleared, state-appointed, barrister to fight the controlee’s case within

the secret and fortified ‘Special Immigration Appeals Court’ (SIAC), though the credibility and integrity of this system has been questioned. (Goodchild, 2005) This is because once a ‘special advocate’ has reviewed and examined secret evidence; they are unauthorised to speak with the controlee or their legal representative regarding the case for security reasons. The special advocate system is therefore limited in what it can achieve. Whilst ‘the special advocate could perform an important role’, notes the European Court of Human Rights, ‘the special advocate [can] not perform this function in any useful way unless the detainee [is] provided with sufficient information ... to give effective instructions to the special advocate.’ (2009, 220) In other words, because the detainee is not given the ‘evidence’ that is being used against them, they cannot mount a meaningful defence in court, so the ‘special advocate’ system is largely fruitless. The former Director of Public Prosecutions (DPP), Lord Ian Macdonald, who served as a special advocate, resigned in protest to the SIAC system in 2004; noting that the entire SIAC system was ‘deeply flawed’ and provided nothing more than a ‘false legitimacy to indefinite detention without ... charge or trial’. (Macdonald, 2004)

In total, 24 British citizens and 28 foreign nationals, all of whom were suspected of involvement with ‘terrorism’ were subjected to control orders from their inception in 2005 until 2011. (Anderson, 2012, 30) Though the intelligence which leads to an individual becoming the subject of a control order remains largely unknown, some general information does exist. One notable example involves Cerie Bullivant, a Muslim convert made the subject of a control order in 2006 after he was alleged ‘to be a threat to [UK] troops abroad’ by the security services. The actual evidence that led to this assessment remains unknown and unseen, though in an interview with the author Bullivant stated that he believed the order was in response to his desire in 2006 to travel to Syria, and later to Bangladesh, for humanitarian purposes. Bullivant absconded from his control order in 2007, and the government, according to BBC reports, said that he did ‘not represent a direct threat in the UK’, (BBC News, 2007a) which raises questions about their

usefulness in restricting the activities of suspects and why they are imposed when an individual poses only an alleged overseas threat. Bullivant was eventually cleared of the control order in 2008 after a judge, according to BBC News, stated that ‘MI5 had shown “no reasonable suspicion” [that] Mr Bullivant was a security risk’. (2007a) In 2011, control orders were repealed but replaced with ‘Terrorism Prevention Investigative Measures’ (TPIM’s), which have been described by human rights groups as a watered-down version of control orders, which fail to address the use of secret evidence and inherent injustice. (Liberty 2011, 2014; Cageprisoners, 2013) They were also claimed to be ‘withering on the vine as a counter-terrorism tool of practical utility’ by the House of Commons Joint Committee on Human Rights. (House of Commons, 2014, 25)

What is evident from the above discussion is that in the immediate aftermath of the 9/11 attacks the focus was overwhelmingly on foreign nationals who were residing in the UK rather than on British citizens per se. However, as new legislation began to emerge, such as the PTA 2005, interest in, and the perceived threat from, British citizens was rising. For example, in 2004, the police launched Operation Crevise and arrested seven British men for being in possession of 1 ton of ammonium nitrate fertiliser, with which they were planning to bomb the Bluewater shopping centre in Kent and the Ministry of Sound nightclub in London. Interest in British Muslims began further increasing as the Joint Intelligence Committee, for example, warned the Blair government that the threat of a ‘terrorist’ attack in the UK ‘would be heightened by military action against Iraq’. (Press Association, 2003) Similarly, in 2004, a joint report produced by the FCO and the Home Office, entitled ‘Young Muslims and Extremism’, notes that British foreign policy, including the Iraq war, was causing resentment and radicalisation within Muslim communities and could lead to terrorism. (Foreign & Commonwealth Office/Home Office, 2004) This ‘radicalisation’, and the threat assessments, came to life on the morning of 7/7 when four British-Muslim suicide bombers would detonate home-made explosives packed into their

rucksacks on the London transport network within 50 minutes of one another, killing 52 people in the process. (House of Commons, 2006)

In the immediate aftermath of the 7/7 bombings, the Terrorism Act 2006 was passed, though it had been under development for some time in order to seal the alleged gaps in the law, notably in relation to ‘terrorist training’. (Hewitt, 2008, 53) However, the legislation, according to Osborne, was quickly used by the then Prime Minister, Tony Blair, to show the public that his government was being tough on terrorism in response to a concerted campaign from the tabloid press, pressing for new anti-terrorism laws. (2006, 10) Blair thus included the introduction of the Terrorism Act 2006 – and in particular, the offence of encouragement/glorification – in his famous post 7/7 ‘12-point plan’ that was going to provide, according to Blair, ‘a comprehensive framework for action in dealing with the terrorist threat’. (Osborne, 2006, 29) Of the 12-points, only 5 were implemented. The others, according to Osborne, were unworkable or would not be implemented because of party-politics. (Osborne, 2006, 37-9) The 12-point plan, notes Osborne, was ‘exaggerated’ and was created merely as a ‘short term device for dealing with calls for action from tabloid newspaper editors’ rather than a serious plan to counter the threat of terrorism. (Osborne, 2006, 29) The government, Osborne argues, was ‘spinning terror’. (Osborne, 2006, i) Of the 5-points that did pass, two of the most controversial were based on the increase from 14 to 28 days in pre-charge detention and the offence of ‘encouragement’, or ‘glorification’, of terrorism.

The overarching aim of this latter offence is to prevent individuals or ‘ideologues’ who would encourage terrorism from propagating their ideas and views by introducing the offence of direct and indirect encouragement to terrorism, and the dissemination of publications to this affect, though these offences do not test for an actual incitement. This is because the law outlaws any spoken or written statements that promote – whether directly or indirectly, for example, through

‘recklessness’ – the use or threat of force toward the state. (Sabir, 2010) It is also irrelevant whether an individual is encouraging the use of violence against a dictatorial or oppressive regime or whether the person or group is fighting for self-determination. Encouraging violence against the state, (any state) regardless of the context in a given conflict, is an offence under the law. (Sabir, 2010)

The legislation also outlaws the celebration of violence against the state, regardless of ‘whether [it occurred] in the past, in the future or generally’; meaning that the celebration of historical struggles, such as the French resistance against the Nazis or Nelson Mandela’s struggle against the Apartheid regime in South Africa can be potentially prosecuted. (Sabir, 2010) The legislation has therefore not faced a shortage of criticisms. (House of Commons 2007, 15; Muslim Council of Britain 2005; Kundnani, 2006).

The largest number of convictions under the Terrorism Act 2006, however, have not been in relation to speech offences but acts ‘preparatory to terrorism’. According to data released by the Home Office, since its inception in 2006 until 2011, out of the 42 people convicted, only 6 have been convicted for ‘encouraging terrorism’. (Home Office, 2012, 32) Instead, 31 of these convictions, or the vast majority, have been connected to the offence of ‘preparation of terrorism’. (Home Office, 2012, 32) One reason that may explain why individuals are being arrested and convicted for acts preparatory to terrorism is because anti-terror legislation has been drafted with a view to taking pre-emptive action against suspects. We now examine the use of pre-emptive action against suspected ‘terrorists’, a strategy adopted, even if this comes at the expense of lower convictions.

Intelligence-Led Operations

The UK's experience of dealing with terrorism, as aforementioned, is largely influenced by the political violence undertaken by Republican groups connected to the North of Ireland, who employed tactics that can be said to be more 'traditional'. The threat from al-Qaida, according to official accounts, is claimed to be the reverse. (HM Government, 2006; 1; Clarke, 2007, 19) In essence, the use of suicide bombings and 'no notice' attacks means that the police and the security services are more 'proactive' in their approach and aim to intercept individuals earlier in the process of an alleged conspiracy rather than rely on post-attack detection and prosecution. According to Omand, tactics such as suicide bombings means that 'society cannot rely only on effective detection and prosecution after the event has occurred'. (2009, 90) The UK has therefore had to, in DAC Clarke's words, 'change the way in which [it] do[es] business'. (2007, 22)

This is essentially based on incapacitating and disrupting suspected 'terrorists' before their plans have materialised. 'It might give us the strongest evidence ... to capture the 'terrorist' with the gun or the bomb', notes DAC Clarke, 'but the risk to the public, in the age of suicide bombers and no-notice attacks, is simply too great' (2007, 23). In other words, whereas in the past, the police would subject suspects to surveillance, and would then execute arrests when enough evidence existed that would eventually lead to a successful prosecution, now the police would not wait for evidence to emerge before moving in.

The first example was 'Operation Kratos'; the codename assigned to a series of tactics and measures aimed at neutralising suspected suicide bombers with a 'head shot' to enable 'immediate incapacitation'. (Metropolitan Police, 2005) The programme was developed by the Metropolitan Police Service (MPS) and the Association of Chief Police Officers (ACPO), in close collaboration with the Israeli and Sri-Lankan armed forces. (Metropolitan Police Authority, 2005; Smith, 2012; Powerbase 2014b) According to former Assistant Commissioner Andy

Hayman, the former Head of Specialist Operations at Counter-Terrorism Command, Operation Kratos was a strategy intended to deal with a scenario in which the police were ‘confronted without warning, spontaneously, by a person with a bomb or a vehicle-borne attack’. (Hayman & Gilmore, 2009, 226) Such a policy was necessary, he notes, because ‘when you’re confronted with a spontaneous suicide bomber who could kill at the push of the button, there can only be one response: kill or be killed’. (Hayman & Gilmore 2009, 227)

The Kratos rules of engagement were authorised after the apparent failed ‘terrorist’ attack of 21 July 2005, which eventually led to the shooting and killing of Brazilian electrician, Jean Charles de Menezes, after he was mistaken for one of the 21/7 bombers. (Powerbase, 2014c) The police and the Special Reconnaissance Regiment, a military unit, were responsible for the operation. (Norton-Taylor, 2005) In the aftermath of Menezes’ killing, the impact of lethal force, wrote the Metropolitan Police Authority, ‘scares some people, and this fear is felt disproportionately by black and minority ethnic communities’. (Metropolitan Police Authority, 2006) The codename for the strategy - Operation Kratos – was consequently dropped from the police lexicon in 2008 after the name, which the Metropolitan Police Service tried to keep secret had become associated with ‘shoot-to-kill’. (Smith, 2012) The policy, however, remains active at the time of writing. (Metropolitan Police Authority, 2009)

In order to incapacitate individuals suspected of being ‘terrorists’ before their plans have materialised, whether it comes through operation Kratos or through arrest and investigation ultimately relies on increased intelligence activity. This explains why intelligence sharing between the police and MI5, along with the intelligence infrastructure more generally, has been expanded since the 7/7 attacks. ‘No longer’ notes DAC Clarke, ‘can the police service feed off the crumbs falling from the end of the intelligence table’. (2007, 23) Instead, he continues, the police have

developed ‘a new way of working’ - in conjunction with the security services - ‘in every case from a much earlier stage than would ever have happened in the past’. (2007, 23)

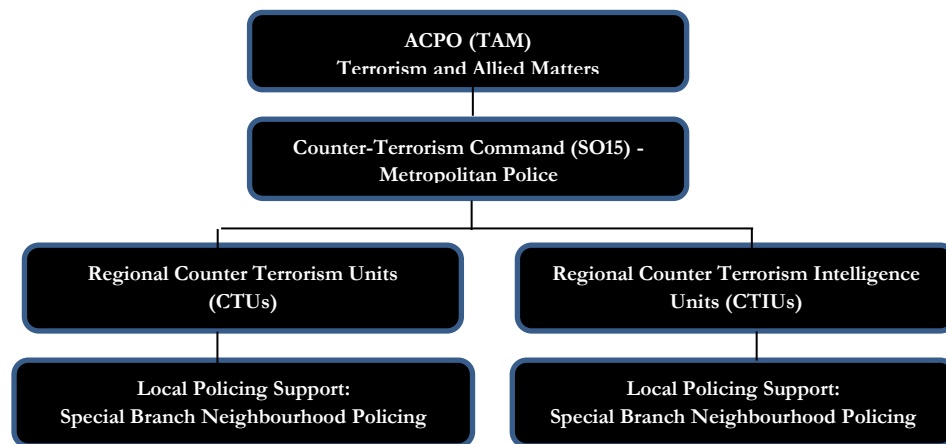


Figure 6: UK Counter-Terrorism Structure (Blake et al, 2012, 94)

Police and MI5 cooperation takes place through two notable avenues: the first is the through the development of regional Counter-Terrorism Units (CTU’s) and their smaller counterparts, Counter-Terrorism Intelligence Units (CTIU’s) which have MI5 personnel embedded within them, and the second involves ‘Executive Liaison Group’ (ELG) meetings in which operational activity is jointly planned by the police and MI5 before execution. Both are now examined.

Prior to 9/11, the focus of the UK counter-terrorism work was centrally coordinated through the specialist units situated within Scotland Yard, notably Special Branch (SO12) and the Anti-Terrorism Branch (SO13). In 2006, Special Branch and the Anti-Terrorism Branch merged to form Counter-Terrorism Command (SO15). (Metropolitan Police, 2014) ‘When terrorist activity was taking place outside London’, notes DAC Clarke, ‘the Metropolitan Police would gird up its loins and become an expeditionary force’. (2007, 25) Whilst all 43 police forces in England, Wales and Northern Ireland have a Special Branch of varying sizes, which has a responsibility to investigate political crimes, there was an acceptance that the UK lacked a specialised and dedicated capability outside of London relating to the investigation of terrorism. ‘The footprint

of terrorism in the UK [since 2002]', notes DAC Clarke, '[has] spread ever wider, and it was simply unsustainable, in terms of either scale or geography, for the Metropolitan Police to continue in its traditional role'. (2007, 25) The perceived threat of terrorism, in other words, was geographically diverse and required a specialised capability to counter it outside of London.

In 2008, one year ahead of schedule, a counter-terrorism network outside of London was thus created. It comprises of 4 regional Counter-Terrorism Units (CTUs), covering the North East (Leeds), North West (Manchester), West Midlands (Birmingham) and the South East (Thames Valley) and 4 Counter-Terrorism Intelligence Units (CTIUs), covering the East Midlands, Avon & Somerset, Hertfordshire and Glasgow, which is commanded by ACPO-Scotland. The difference between CTU's and CTIU's is that the former have an arrest and investigative capability whilst the latter concentrate only on intelligence collection, analysis and development.

The biggest benefit of the CTU network has been in relation to the collection and development of intelligence that is not only made possible through the nurturing of relationships with local Muslim communities through overt CTU activity (i.e., under Prevent) but through the embedding of MI5 personnel within the CTU network. '[E]mbedded Security Service personnel' within the regional CTU network and within SO15 is crucial, according to the ACPO, because it 'allows for the collation of the most complete depiction of the threat and vulnerability within each region'. (House of Commons, 2009, Ev. 47) Some anti-terrorism operations that arise in the UK have overseas elements, and some overseas operations, writes Omand, can 'illuminate emerging domestic threats'. (2009, 122) Having a permanent presence of MI5 staff within CTU's therefore helps also develop the understanding and intelligence sharing all the way from the local to the international level. However, tensions can arise between CTUs and MI5, especially where matters concern drawing a balance between continuing to develop intelligence and executing an operation. Respondent 11, a senior officer from the West Midlands CTU, notes:

I'm a police officer so I might be given some information where I have to do something to keep people safe ... and this is where [issues can arise]: Do you continue to develop the intelligence to keep people safe [or execute an operation]? There's a balance to be brought. (2012)

This balance, it seems, tips in favour of arrests as opposed to continuing in the development of intelligence, as shall become clearer later in this chapter.

Having MI5 personnel embedded within the CTU network is one way through which cooperation between the police and MI5 takes place but the other method – especially where matters involve serious alleged ‘terrorist’ conspiracies – comes through ‘Executive Liaison Group’ (ELG) meetings. In ELG meetings, senior officials from MI5, Counter-Terrorism Command and regional Counter-Terrorism Units and police forces meet prior to the execution of arrests in order to make operational decisions. (Foley, 2013, 134-5) During ELG meetings, explains DAC Clarke – who chaired 50 of them prior to the execution of Operation Crevice – ‘all the intelligence is put on the table’ in order to ensure that ‘there are no shocks, no surprises, nothing that can derail the operation, and it is an entirely agreed, shared strategy’ between the security service and police. (Temple-Raston, 2011) Whilst involvement from the security services may assist in the foiling of serious alleged ‘terrorist’ ‘plots’, with a notable example being Operation Crevice, the problems with intelligence is that it is not the same as evidence which means that whilst arrests can be undertaken, convictions are not always possible, unless defendants either plead guilty or retrials take place. There are two notable examples of this.

The first was the 2004 police-MI5 operation codenamed ‘Rhyme’, in which Dhiren Barot, along with 13 other men, had reportedly conspired to detonate explosives, including a so-called ‘dirty

bomb', at multiple financial locations in the US and UK. (BBC News, 2006b; Hewitt, 2008, 69)

'It is no exaggeration to say that at the time of the arrest there was not one shred of admissible evidence against Barot', notes DAC Clarke (2007, 27). 'The arrest was perfectly lawful – there were more than sufficient grounds – but in terms of evidence to put before a court', he notes, 'there was nothing'. (2007, 27) The police therefore arrested Barot based on intelligence and began collecting evidence once he was in custody; hence they charged him on the final day of the then legal limit – 14 days – that suspects could be held in pre-charge detention. The same technique was used in Operation Overt – the 'liquid bomb plot' in which liquid explosives were to be smuggled onto transatlantic airliners on-route to the US and detonated whilst in the sky – too. According to the former Security and Counter-Terrorism Minister, Lord West of Spithead, 'there was no actual evidence on the day we arrested these people; it was all intelligence'. (House of Commons, 2010b, Ev. 5)

Basing arrests on intelligence, and then gathering evidence to secure charges and subsequent prosecutions is one of the fundamental reasons why senior police officers, such as DAC Clarke, had requested Parliament to increase the pre-charge detention period in 2005 from 14 to 90 days; citing Barot's case, and the fact that 'officers spent a fortnight sleeping on their office floor' during it, in order to support their case. (Clarke, 2008) Barot eventually pleaded guilty to a charge of conspiracy to commit murder and was sentenced to 30 years imprisonment on appeal but in terms of evidence, apart from possessing 'reconnaissance' plans, he had not acquired chemicals or explosives. Even the appeal judge questioned the viability of his alleged attack. Chief Justice Lord Phillips, who headed the team of 3 judges in Barot's appeal, according to BBC reports, said that 'Barot's conspiracy did not amount to an actual attempt and it was unclear whether his plots would have succeeded'. (BBC, 2007b) In other words, without Barot pleading guilty, establishing guilt may have been more difficult for the prosecution because the police had arrested him whilst his reported conspiracy was at such an early stage.

This was also the case when the so-called 'liquid bomb plotters' who were arrested in Operation Overt were taken to trial. The jury in the first trial failed to reach a verdict on whether the plot extended to detonating liquid bombs on aircrafts, and it was only after the case was re-tried in September 2009 that a second jury found 3 of the 7 men guilty in connection with the plot. They were sentenced to life imprisonment. (BBC News, 2009) With the exception of Operation Crevice, where the suspects had actually acquired a ton of ammonium nitrate fertiliser, operations such as Rhyme and Overt were undertaken a lot earlier in the process of the alleged conspiracy and therefore relied on a guilty plea in Barot's case and a retrial in the case of the 'liquid bomb plotters'.

Another problem with acting earlier in the process of an alleged conspiracy, and basing an entire operation on intelligence as opposed to evidence, means that people may find themselves being subjected to investigation and inquiry when they are entirely innocent of any crime. This was the case in the 2006 joint police-MI5 operation, codenamed 'Volga', which took place in Forest Gate, London.

Acting on intelligence that claimed a chemical bomb was being built by two Muslim brothers, between 250-300 police officers, backed up by fire-fighters, health officials and biochemical experts from the MoD's biological warfare research centre at Porton Down, raided a house in Forest Gate at 4am in the morning, and shot (and injured) one of the brothers in the process. (Powerbase, 2014d) 'Intelligence', reported BBC News (2006c), suggested that it was 'a fatal device that could produce casualty figures in double or even triple figures'. So serious was the plot considered to be that during the raid and the subsequent investigation, an air-exclusion zone was imposed, banning aircraft from flying 2,500 feet above the house. (BBC News, 2006d) After eight days of investigation, however, no chemical weapon was found and no evidence emerged

to suggest that the men had ever been involved in ‘terrorism’. Both were released without charge. ‘Intelligence sources’, reported the Guardian, stated that the police did not have ‘time to bug the house’ and added that ‘[e]ven if it suggests a 5% likelihood of something nasty, we can’t take that risk’. (Dodd et al., 2006) In other words, if intelligence suggests that somebody is involved in terrorism, the police will arrest and investigate them and concern themselves with gathering evidence later; and without due consideration of the damage that hasty activity can have on the individuals who are investigated, the perception within Muslim communities more generally and the failure to have evidence that can prove beyond reasonable doubt that the individuals were involved in terrorism. There is, however, another purpose for undertaking such activity that may seem ‘hasty’ and ‘counterproductive’ but is undertaken in order to enact influence and threaten wider populations into compliance under the term ‘strategic communication’. This issue is examined further in chapter six.

The obvious problem with such an approach is that on the basis of protecting the public and executing pre-emptive arrests based on intelligence means that innocent people will inevitably be arrested and investigated – sometimes in the midst of a barrage of media coverage, as was the case during Operation Volga. Furthermore, it also means that individuals will remain in pre-charge detention period for longer periods, or at least until evidence against them is collected to secure charges, and where such evidence cannot be found, no prosecutions will take place. As shown in Figure 7, this means that arrests will be disproportionately high and convictions low; bringing the integrity of counter-terrorism operations into question and fuelling a mistrust of the police.

An examination of the data in relation to the types of convictions that are taking place reveals that ‘terrorist’ convictions are not mainly related to ‘terrorist plots’ but are predominantly related to the possession of ‘articles’ and ‘information’ that do not consider an individual’s involvement

with terrorism or intent to commit terrorism. We now examine two offences – Section 57 and Section 58 – which allow pre-emptive action against individuals to be taken but without an actual test for an individual’s involvement with, or intent to commit, terrorism.

Pre-Emptive Arrests & Prosecutions

Figures released by the Home Office show the discrepancy that exists between arrests and convictions. From 2001 until 2011, for example, out of the 1,586 people who were arrested on suspicion of being involved in terrorism, only 131 people, or 8 per cent, have gone on to be convicted of an offence under the Terrorism Acts 2000 and 2006, as shown in figure 7. (Home Office, 2012, 28) A breakdown of this 131 figure shows that 30 per cent (n=40) of the total number of convictions have taken place under Section’s 57 and 58 of the Terrorism Act 2000. (Home Office, 2012, 28)

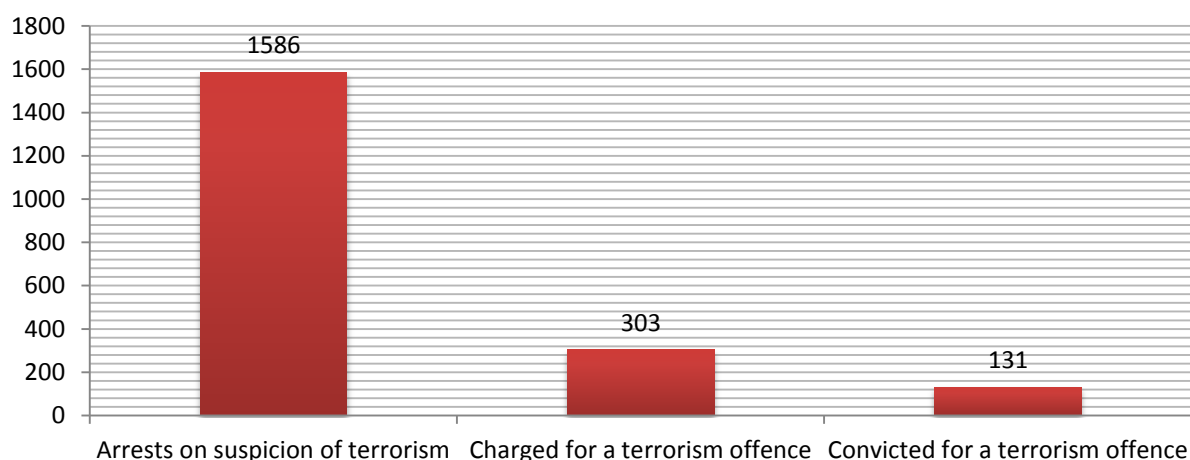


Figure 7: Total number of people arrested, charged under the Terrorism Acts 2000, 2006, ATCSA 2001, PTA 2005 and TPIMs Act 2011 and subsequently convicted under the Terrorism Acts 2000 & 2006 from 2001 until 2011. (Home Office, 2012)

Section 57 of the Terrorism Act 2000 makes it an offence to be in possession of an ‘article’ that gives rise to a reasonable suspicion that possession is connected to terrorism. An article, according to S.121 of the act is defined as a ‘substance and any other thing’. The offence has *not* therefore been introduced to prosecute individuals in possession of firearms or explosives but

has been introduced, according to Lord Lloyd of Berwick, who's thinking forms the basis for S.57, to prosecute 'a person who is found in possession of articles which, though perhaps commonplace in normal circumstances, are well known to be used in the manufacture of bombs'. (Cited in *R v G*, 2009, Para. 41) According to Walker, items such as 'wires, batteries, rubber gloves, scales, electronic timers, overalls, balaclavas, agricultural fertilizer, and gas cylinders, especially in conjunction, form the fare of s 57'. (Walker, 2009, 187) 'It is, of course, not the possession of the items themselves which constitutes the offence', Lord Lloyd continues, 'but possession in such circumstances as to give rise to a reasonable suspicion of their connection with terrorism'. (Cited in *R v G*, 2009, Para. 41) In other words, possession of any items which can be used for the purpose of terrorism is not an offence within itself but the context and circumstances in which the article is held can lead to prosecution.

Though introduced in order to criminalise possession of articles, as stated by Lord Lloyd, that 'are well known to be used in the manufacture of bombs', the S. 57 offence has been used to prosecute and convict individuals for possessing articles, even when there is no connection to an act of terrorism. A notable example of this relates to the 'Bradford 5' case, where 4 University of Bradford students and a school boy from Essex were convicted in 2005 under S.57 for being in possession of 'ideological propaganda' that had been downloaded from the internet. (*R v. Zafar & Ors*, 2008, Para's. 1, 7, 8) Five of the men appealed their convictions, and in 2008, the appeal court ruled that S.57 must have 'a direct connection between the object possessed and the act of terrorism', or it must be shown that an individual 'intends [an article] to be used for the purpose of ... terrorism.' (*R v. Zafar & Ors*, 2008, Para. 29) In the case of the Bradford 5, apart from a desire to travel to Pakistan and then onto Afghanistan in order to allegedly engage in fighting against Afghan government forces, which was conditional on the men's actions and intentions once they had reached Pakistan (which they had not), there was nothing connecting the men's possession of ideological propaganda to acts of terrorism. Their convictions were thus

considered unsound and they were acquitted. (R v. Zafar & Ors, 2008, Para's 45, 49; Walker, 2009, 188)

An examination of data released by the Home Office relating to S.57 is revealing. It shows that from 2001 until the appeal court issued its verdict in 2008, 17 people were convicted for a S.57 offence. (Home Office, 2012, 32) However, since the appeal court issued its verdict until 2011, only 1 person has been convicted of a S.57 offence. (Home Office, 2012, 32) This seems to show that due to the broad wording of S.57, the police and the Crown Prosecution Service (CPS) were using the offence to prosecute individuals on the basis of mere possession as opposed to establishing a connection between a person's possession and a connection to, or intent to commit, terrorism. Whilst the police and the CPS may have adhered to the appeal court's ruling, this is not to suggest that their ability to bring prosecutions against individuals has been removed.

This is because S.58, which concerns the possession of 'recorded information', or documents, does not require a connection between possession and a connection to, or intent to commit, 'terrorism' either. The offence, in other words, ignores why an individual is in possession of a document/information or what the individual intends to use it for. Simply collecting, possessing or making a record of information that is likely to be of use to a person committing or preparing an act of terrorism is an offence under S.58. 'It is the purpose of the information rather than [the intention of] the possessor at stake', writes Walker. (2009, 191) Merely possessing documents that can be claimed to be useful for 'terrorism' can therefore lead an individual to be arrested, investigated and prosecuted. The offence has understandably been received with alarm by journalists, researchers and lawyers. (Hickman, 2001; Ansari, 2013)

As was the case with S.57, Lord Lloyd's thinking also informed the offence that became S.58. 'It is designed to catch possession of targeting lists and similar information', Lord Lloyd notes, 'which terrorists are known to collect and use.' (Cited in *R v G*, 2009, Para. 41) The objective of the offence is not to criminalise possession of everyday documents, such as an A to Z map of London, which can be used by a member of public as much as it can be used by a 'terrorist' who is navigating to a destination. (*R v G*, 2009, Para. 42) 'It is clear from what Lord Lloyd said in his report', the Law Lords note, 'that the aim [of S.58] was to catch the possession of information which would typically be of use to terrorists, as opposed to ordinary members of the population'. (*R v G*, 2009, Para. 43)

For a document to be of 'use' to a 'terrorist', according to the appeal court, it must be 'likely to provide *practical assistance* to a person committing or preparing an act of terrorism'. (*R v G*, 2009, Para's 13-4, author emphasis) In other words, being in possession of a bomb-making or military manual, regardless of the intent, is unlawful. The appeal court added that '[a] document that simply encourages the commission of acts of terrorism does not fall within section 58'. (*R v G*, 2009, Para 17) In other words, ideological propaganda that is produced by terrorists or 'terrorist' organisations to encourage individuals to engage in violence is not prosecutable under S.58; though this has not prevented individuals from being prosecuted for possessing ideological material.

This first notable case involved Samina Malik, better known by her pen-name as 'the lyrical terrorist' for her poems entitled 'How To Behead' and 'The Living Martyrs'. (Truscott, 2007) Though useful in forming a context, notably that she was an 'extremist', her conviction was based on her possession of a total of 19 documents that were claimed to be of use to a person planning on undertaking an act of terrorism. (*R v Malik*, 2008) On appeal, however, it emerged that 11 of the documents were ideological documents which had no practical utility but the

prosecution had lumped them all together and the jury had thus convicted her on the basis of all 19 documents as opposed to the 8 documents that were of a practical nature. (R v Malik, 2008) Malik's conviction was therefore considered unsound and she was subsequently acquitted. For documents to therefore fall foul of S.58, they must serve a *practical purpose* as opposed to being ideological propaganda; even if they encourage terrorism. However, prosecutions have still taken place since 2010 in which individuals have possessed ideological documents, such as the 'Inspire' magazine. 'Inspire' is an English-language magazine produced by the Yemeni franchise of al-Qaida, known as 'al-Qaida in the Arabian Peninsula'. (AQAP) and is alleged to have been created with the influence and input of US born cleric, Anwar al-Awlaki, who was killed in a 2011 US drone strike in Yemen.

The bulk of the material in Inspire is ideological as opposed to anything of any practical value, even though it does contain a recurrent feature entitled 'Open Source Jihad' that provides, for example, instruction on how to use handguns, tips for building remote detonators for bombs and articles telling readers how they can 'make a bomb in the kitchen of your mom'. '[T]here is nothing particularly new or uniquely worrying about the content of Inspire', writes Hegghammer. (2010) 'The article on [how to] "make a bomb in the kitchen of your mom" is hardly a game changer in the world of terrorism. Tactical instruction manuals abound online and have done so for a decade'. (Hegghammer, 2010) Indeed, information on how to utilise particular military tactics and techniques can also be obtained from public and university libraries, even purchased from bookshops. (Thornton, 2011, 14-5)

It seems that the bark of the Inspire magazine is worse than its bite; notably, it would seem, because its production is claimed to be directly connected to AQAP – even though the authenticity of this link is questioned (Hegghammer, 2010) – and because a small amount of its

contents can be interpreted under S.58 as being useful in providing ‘practical assistance’ for terrorism.

What is most interesting about the magazine and the prosecutions that take place for possession of Inspire is that they seem to reveal an amalgamation of Pursue and Prevent. Because the magazine amalgamates ideological and practical content, it seems that the magazine is being used to prosecute individuals in order to prevent them from becoming ‘radicalised’, and then, potentially moving onto employing the practical information for a ‘terrorist’ purpose. This activity is usually reserved for Prevent, notably ‘Channel’, though, it could be argued, that the S.58 offence is being used as a tool to ‘de-radicalise’ an individual through the criminal justice system as opposed to subjecting them to the Channel.

One reason why individuals may be prosecuted for possessing Inspire as opposed to being subjected to the Prevent programme could be connected to the fact that individuals can be made subject of a ‘Terrorism Notification’, as stated under Part 4 of the Counter-Terrorism Act 2008. This happened in the case of Mohammed Hasnath, a 19-year-old from East London, who was prosecuted in 2011 for possessing seven editions of the Inspire magazine, sentenced to 14 months in prison contrary to section S.58 and subsequently made subject to a ‘Terrorism Notification’ for 10 years. (Crown Prosecution Service, 2014)

A ‘Terrorism Notification’ is applied to an individual above the age of 16 who is imprisoned for one or more years for a terrorism offence. The duration of the notification depends on the length of the sentence. For individuals imprisoned for 10 years or more (i.e., life imprisonment), the notification period lasts for 30 years. For individuals imprisoned for 5 to 10 years, the notification period lasts for 15 years and for those imprisoned for less than 5 years, the notification lasts for 10 years. (Walker, 2009, 208) The notification essentially makes monitoring

individuals who are claimed to be potential terrorists not only easier but lawful for the police and security agencies. In this sense, S.58 is being used, it seems, to take pre-emptive action against individuals who are found in possession of information, regardless of their intent. The aim appears to be to stop them from becoming ‘radicalised’, by subjecting them to a notification order for a minimum period of 10 years in which they are ‘lawfully’ monitored, without the notification being reviewed. ‘A Kafkaesque world thus arises’, writes Walker, ‘in which a person cannot prove contrition or rehabilitation’. (2009, 208)

S.57 and S.58 are clear examples of powers that give the state the legal authority to take pre-emptive action against individuals not involved in terrorism. The offences epitomise the legislative component of a draconian counter-terrorism structure that has been established in which pre-emptive action to incapacitate conjectured threats is the norm. The second largest numbers of convictions that have taken place under all terrorism laws have taken place under S.57 and S.58 offences; both of which do not test for intent or connection to terrorism.

Conclusions

The CONTEST strategy, introduced in 2003, is the UK’s official strategy under which all strategic counter-terrorism activity within the UK is organised. Comprised of 4 work streams – Pursue, Prevent, Protect and Prepare – the stated objective of CONTEST is to reduce the risk of terrorism by undertaking proactive and pre-emptive activity, and increasing the defences and resilience of the UK lest an attack cannot be thwarted. Pursue, which this chapter has examined, is the strand under which force is employed, largely that which is undertaken by policing, military, intelligence and juridical institutions. The impression generated by the policy title – Pursue – indicates that the police and security services are pursuing those who are involved in terrorism but because of the way that the structure has been set-up, it seems that there’s less pursuit and more prevention, hence the use of pre-emptive force is used to stop acts before they

have developed into something concrete or materialised into an actual criminal/terrorist conspiracy.

Taking pre-emptive action against suspected or potential terrorist is an approach that is favoured by the security services and especially the police. This is because al-Qaida is considered to be a 'new' or 'unconventional' opponent which – due to its employment of suicide bombings as a tactic, use of 'no notice' attacks and alleged lack of political structure around which negotiations and cessation of hostilities can be negotiated – generates an impression that the threat is far more dangerous compared to the 'old' or 'conventional' terrorism undertaken by the IRA. Understanding al-Qaida's terrorism as a 'new' form of terrorism means that those either directly acting under the command of the al-Qaida core or those acting under its umbrella must be proactively intercepted or neutralised through the security, policing and the juridical apparatus.

The 9/11 attacks were orchestrated by foreign nationals as opposed to 'home-grown' terrorists and therefore the initial threat assessments of the UK was that if a threat exists, it is from foreign nationals. Most of the activity that subsequently followed the 9/11 in the UK therefore targeted foreign nationals, including well-known individuals who had resided in the UK since the late 1970s and 1980s through newly introduced powers such as the ATCSA that made the indefinite detention lawful. As foreign nationals were being interned and targeted in anti-terror operations, and the Iraq War was launched, reports and advice were being circulated which suggested that a sense of anger and resentment – 'radicalisation' in policy parlance – within Muslim communities throughout the UK had increased the possibility of a 'home-grown' 'terrorist' attack. This assessment was given weight when in 2004, the police and MI5 undertook an operation codenamed 'Crevice', in which a group of British Muslims were found to have acquired a ton of ammonium nitrate and were planning to bomb the Bluewater shopping centre in Kent and the Ministry of Sound nightclub in London.

With the repealing of Part 4 of the ATCSA 2001, control orders were introduced and these applied to British nationals too; an indication that British citizens were increasingly being perceived as a threat. This perception manifested itself into reality when 4 British Muslims, 3 of whom were from West Yorkshire, detonated suicide bombs on the London transport network and killed 52 people. Prior to 7/7, counter-terrorism policies were 'controversial' and were met with 'fierce opposition', said the then Prime Minister, Tony Blair at a press conference, but after 7/7, he continues, 'the mood is different'. (Blair, 2005b) What followed was the introduction of the Terrorism Act 2006, and controversial offences such as encouragement or 'glorification' of terrorism, and acts preparatory to terrorism; that is to say, legislation that was based on using pre-emptive action in order to muzzle voices that could be argued to support political violence, including in cases abroad where British interests might be threatened, - including Iraq and Afghanistan.

In addition to the legislation, because the threat is perceived to stem from all regions of the UK, the counter-terrorism structure was expanded and regional CTU's and CTIU's were established. This network was created in order to establish a permanent investigative and intelligence capability outside of London in order to ensure that 'plots' and terrorist activity could be intercepted earlier; that is to say, pre-emptively. Indeed, the placement of MI5 personnel within regional CTU's reveals an increased focus on the collection, development and exploitation of intelligence and a commitment to taking pre-emptive action against suspected and potential terrorists.

The second highest number of convictions that have taken place under terrorism legislation have taken place under S.57 and S.58, which are offences that are based on taking pre-emptive action. Case law has largely altered the way in which S.57 can be used to bring prosecutions; notably by

stating that an actual connection between the possession of an ‘article’ and terrorism is required; hence the Police and CPS have relied on this offence on only 1 occasion since the appeal court made this ruling. However, examining the use of S.57 prior to the appeal court issuing its ruling, it seems that the police and CPS were prosecuting individuals for possessing an article without a connection to actual terrorism.

The appeal court’s rulings, however, have not, by and large, affected S.58. Indeed, whilst the appeal court ruled that S.58 could not be used to prosecute ideological propaganda, even if it encourages terrorism, it still permits any individual to be prosecuted for documents that can be useful for terrorism, irrespective of the purpose behind the possession and regardless of whether the information is to be used for a ‘terrorist’ purpose by the individual. In other words, the S.58 offence is employed to pre-emptively prosecute individuals but without establishing whether an individual possesses the material for the purpose of terrorism. The Inspire magazine, which is claimed to be created by AQAP, is a largely ideological document, though it does contain some information that could be interpreted as being ‘practical’, and therefore can be, and is, prosecuted under S.58. Using S.58 to prosecute people in possession of ideological material, without regard for the purpose of their possession, suggests that the job of preventing people from internalising ‘extremist ideology’ - i.e., activity that is reserved for Prevent – has been integrated into Pursue, in particular, through the criminal justice system. Again, this shows how the boundary between Pursue and Prevent is not as separate as is claimed in the CONTEST strategy. Indeed, it shows that both strands are coercive and employ force not only against suspected terrorists but individuals who may subscribe to ‘extremist ideology’. This integration is comes to light more vividly in chapters 4, 5 and especially chapter 6, which examines how the police and security services employ the Pursue infrastructure, notably intelligence, in order to inform Prevent activity.

The use of pre-emptive activity, which is heavily based on intelligence, in the name of protecting the public requires a fine balance, and one that should be used sparingly and with great consideration, but it seems that the way the Pursue infrastructure has been structured, pre-empted activity is favoured with little regard for the consequences and problems with such an approach, which are multiple. Intercepting individuals where no evidence exists of terrorism or involvement with terrorism means that innocent people will inevitably be arrested and investigated, as was the case in Operation Volga, and where individuals may have an intention to involve themselves in terrorism, because they have been intercepted a lot earlier in the process of their so-called 'plot', evidence of their activities may not withstand the legal threshold of 'beyond reasonable doubt', unless, either they plead guilty, as was the case with Dhiren Barot in Operation Rhyme, or are found guilty through retrials that take place at great public expense, as was the case in Operation Overt.

Furthermore, undertaking arrests based on intelligence and collecting evidence once an individual is in custody not only leads to innocent people being held for longer periods in pre-charge detention periods, but also has negative repercussions, including the generation of mistrust within Muslim communities of the police and the creation of an impression that, as noted by DAC Clarke, the police are 'over-egging [the] threat for political purposes'. (House of Commons, 2010b, Ev. 6)

Another problem with pre-emptive activity is that convictions are extremely low; a point supported by the data released by the Home Office which shows that only 8 per cent of people arrested for suspected terrorism have gone on to be convicted for a terrorism offence; and out of these convictions, a significant proportion have taken place contrary to S.57 and S.58.

Rather than altering the programme and policies enacted under Pursue in order to ensure Muslim communities trust the police and disproportionate activity is kept to a minimum, as the following chapter now discusses, the state has instead opted for the Prevent programme to justify and legitimise why it behaves in the way it does; not by relying merely on police officers or the government to build critical relationships but by issuing funding to ‘mainstream’ Muslims who will act as conduits in largely legitimising the activities, programmes and initiatives of the state in a way that reinforces its ideas, narratives and power.

Chapter 4

Prevent

Introduction

There are two elements to ‘prevention’ activity within the UK’s counter-terrorism strategy. The first is based on using pre-emptive force through the juridical and coercive apparatus against suspected terrorists under the policy heading of Pursue. The second is based on using Prevent to challenge, what is termed in policy parlance, ‘extremist ideology’ or ‘extremism’. The use of strategic communication under Prevent, which is concerned with intentionally employing coercive actions to communicate messages that will lead to an alteration in behaviour, as mentioned in the previous chapter, has briefly showed how the boundaries between Pursue and Prevent are blurred. This chapter further reveals the blurring of this boundary by reference to the Channel programme. At the same time, it shows how Prevent has manufactured civil society organisations in order to co-opt large segments of the Muslim community as a way of legitimising its policies and using them to challenge an interpretation of Islam which it perceived as being the primary cause of terrorism.

Prior to the attacks of 7/7, Prevent was the least developed component of CONTEST. The priority was on pursuing individuals who were considered to pose a threat to life and property rather than understanding the factors responsible for causing terrorism (described as ‘radicalisation’). What existed of Prevent during this early period, notes Omand, who oversaw the creation of CONTEST, ‘was seen in ... over-simplistic terms’. (2010, 101) During this early phase, he notes, Prevent was based on undertaking ‘focused diplomacy’ and ‘prevent[ing] AQ [from] acquiring new safe havens’ abroad, while domestically, it aimed to develop a ‘counter

narrative' that would 'win back the hearts and minds of young British Muslims'. (Omand, 2010, 101)

After 7/7, however, the approach shifted. The UK, notes the former National Coordinator for Prevent, Norman Bettison, 'woke up' to the idea that British Muslims 'were prepared to commit suicide and carry out atrocities' in the name of a 'pervert[ed] ideology'. (BBC, 2010b) The 7/7 bombings, in this sense, altered the UK's perception of the threat, which CONTEST claims was no longer being centrally coordinated by al-Qaida but was now based on "self-starting" networks, or even lone individuals, motivated by an ideology similar to that of Al Qaida, but with no connection to that organisation' (HM Government, 2009a, 11). Counter-terrorism activity would now aim to operate in the 'pre-criminal space' – domestically and overseas – to stop people from internalising extremist ideology that is claimed to be the first step to becoming involved in terrorism.

The pre-criminal space is the domain in which 'extremist' ideas and views which are not unlawful take shape. Because it is ultimately ideas and opinions (i.e, an ideology) which are perceived by the state to be the first step towards becoming involved in terrorism, it is believed that by subjecting potential terrorists to a counter-ideology in this pre-criminal space will mean terrorism/conflict will not arise. This shaping and moulding of ideas and views epitomises how Prevent is an exercise of hegemony. This point is further strengthened if one looks at Prevent's strategic goals, which revolve around 1) embedding the strategy into the everyday functions of policing and civil society organisations, including health, education and local councils, and 2) ensuring Muslim communities are equipped with the resources and knowledge to counter 'extremist ideology' at the local level.

Challenging ideology through the education and the health sector, for example, is a clear case of Prevent piercing traditionally recognised civil society organisations for the sake of shaping, influencing and moulding the mind-set (or *'forma mentis'*, as Gramsci would have it) of Muslim

communities. In the same sense, by providing resources and funding to all local authority areas which have 2,000 or more resident Muslims, and then obliging local councils to allocate Prevent funding only to those organisations on the condition that they promote ‘shared British values’ shows how the state pressures Muslim civil society into behaving in a manner that empowers the state as opposed to the communities these civil society bodies were set up and are meant to serve.

If a civil society movement organically and autonomously develops, it maintains independence and does not rely on external forces for survival. The large amount of funding accepted by Muslim communities has therefore made them reliant on the state for their operations, indeed their existence. Dependence on government funding has also disallowed a bottom-up approach that give due consideration to the social, economic and political grievances deemed to be largely responsible for causing political violence. Of course, the allocation of funding and the acceptance of funding by large segments of the Muslim community, regardless of the reasons behind the acceptance, creates an impression that the government is working in partnership.

Whilst Muslim organisations were initially awash with Prevent cash and were represented as leading the fight against extremism, the funding from central government was short-lived. This is because the government department responsible for funding communities – the Department for Communities and Local Government (CLG) - lost ownership of the strategy in 2011. According to the CLG Select Committee, the integration of community work into the framework of Prevent risked ‘undermining positive cross-cultural work on cohesion and capacity building’ and ‘tainted and confused’ cohesion with counter-terrorism work. (House of Commons, 2010a, 3, 62) Therefore, in 2011, when the coalition government took office, the Prevent strategy was reviewed. The work concerning community cohesion was dropped and the CLG’s joint-ownership of Prevent was ended. ‘The *Prevent* programme we inherited from the last Government was flawed’, notes Home Secretary Theresa May in the forward of the latest

Prevent strategy, because ‘it confused the delivery ... to promote integration with ... policy to prevent terrorism’. (HM Government, 2011, 2) The focus of Prevent at the time of writing is, almost exclusively, on countering ideology and the funding scheme now being used is highly secretive, as discussions concerning the women’s organisation ‘Inspire’ in chapter 2 have revealed.

Of course, extremist ideology, even belonging to an extremist organisation, unless it is proscribed under the Terrorism laws, is not unlawful. However, according to Prevent, it is ultimately ideology that is responsible for causing terrorism. The strategy notes that terrorist organisations ‘draw upon ideologies which have been developed, disseminated and popularised by extremist organisations that appear to be non-violent’. (HM Government, 2011, 19) In other words, Prevent needs to target groups that may be nonviolent, but which espouse ‘radical’ views. Prevent thus attempts to challenge ideas and opinions which are not unlawful to hold or advocate, but are considered to play a role in leading individuals into a mind-set that can make them believe terrorism is a viable course of action.

Prevent therefore adopts a three-pronged approach. It aims to counter extremist ideology by firstly, challenging its advocates; secondly, by supporting and ‘mentoring’ those who are considered vulnerable to internalising it through the ‘Channel’ programme and thirdly, by using traditional civil society institutions such as universities and newly manufactured civil society bodies at the community level to ensure these spaces are not used by ideologues to disseminate extremist propaganda or radicalise ‘vulnerable’ individuals and ensuring extremist ideology is challenged by Muslim communities wherever they may encounter it. (HM Government, 2011, 1)

Whilst Prevent plays a key role at universities, as shall become clear in the next chapter, this chapter examines how Muslim civil society has been manufactured by the state for the sake of promoting a ‘mainstream’ form of Islam to counter ‘extremist’ Islam so as to ensure its power and interests are not threatened. It therefore opens by examining the government’s support and

promotion of ‘mainstream Islam’ by examining the organisations that have been manufactured for this purpose with an international and local remit. It pays particular attention to the role of the women’s organisation – the National Women’s Advisory Group and the Quilliam Foundation. The latter is a leading advocate of the ‘conveyor belt theory’ which claims that extremist ideology is the ultimate cause of terrorism.

The final section of this chapter proceeds to examine how the targeting of ideology manifests itself in practice by referring to the Channel de-radicalisation programme. By highlighting the case of Scott, (2011) who was referred to the Channel programme for being a potential terrorist, the chapter shows how ‘de-radicalisation’ works and how of innocuous and lawful activity, such as involvement in political protest, is treated as being indicative of ‘potential terrorism’.

The chapter argues that Prevent’s overarching focus on ideology, along with its focus on the countering of non-violent ideas substantially underplays the role of foreign policy and political grievances, and constructs the Muslim community as a ‘suspect community’. It also argues that civil society, which is claimed to be the realm in which individuals bring about a change in their own favour, has been manufactured by the state which profoundly disempowers Muslim communities and may lead individuals to believe that political violence or terrorism is the only viable option of bringing about tangible change.

‘Extremist’ Islam vs. ‘Mainstream’ Islam

‘Extremist ideology’ is understood to be based on a distorted reading of Islamic theology and doctrine. Because of this, the government contends that an impression is created which makes ‘vulnerable’ individuals believe that acts of terrorism and violence that are carried out in the name of this ideology are an extension of the Islamic faith and thereby a religious duty. ‘Extremist ideology’, notes the CONTEST strategy, ‘regards most Governments in Muslim

countries as “un-Islamic” or apostate; claims that these governments are sustained by western states who are engaged in a global attack on Islam; and considers violent action to be a religious duty incumbent upon all Muslims’. (HM Government, 2009, 11) The seemingly religious nature of terrorism is given credence and foundation through the issuing of religious edicts or ‘fatwas’. On two occasions, Osama Bin Laden issued his own *fatwas* and encouraged attacks against the West. (PBS, 1996; PBS, 1998) Whether the religion of Islam can be used to justify acts of violence is a hotly contested issue. Leading Islamic scholars in Europe, according to the CONTEST strategy, claim that ‘under no circumstances does Islam permit terrorism and the killing of civilians’ and that ‘terrorism is in direct contravention to the principles of Islam’. (Department for Business, Innovation & Skills, 2009, 49)

In addition to the use of theology and Islamic doctrine, ‘extremist ideology’ is understood to draw much of its content from the work of 20th century Muslim thinkers such as Sayyid Qutb, who is considered to have developed Islamic political thought in the same way that Lenin developed Marx’s writings into a practical plan of action. Qutb’s (2006) key work, notably his book ‘Milestones’, which was written in an Egyptian prison during General Nasser’s rule, for example, is similar to Lenin’s famous pamphlet: ‘What is to be Done’?

In order to challenge ‘extremist Islam’, a ‘mainstream’ version of Islam that is compatible with ‘shared British values’ is therefore deemed to be an appropriate response; though the lead on promoting mainstream Islam must come from within the Muslim community as opposed to being led by the government. ‘It is important’, notes an internal FCO report that was released to the author under FOI, ‘that we find partners amongst the opinion formers of tomorrow, and innovative ways in which to assist the promotion of mainstream Islam amongst them’. (Wapole, 2010) The government claims to stay clear of theological matters but notes: ‘where theology purports to justify and legitimise violent extremism the Government will work with communities

and institutions who are best placed to refute it'. (HM Government, 2009b, 13) 'By promoting the idea from within the Muslim community that mainstream Islam and the West have many common shared values such as democracy', the internal report notes, 'we can isolate extremists'. (Wapole, 2010)

According to the FCO, there are 'a large number of leading mainstream Islamic thinkers' in the UK who are 'renowned for advocating the inherent compatibility of democratic values with Islam' and 'engagement with these mainstream elements will help us promote common shared values within the British Muslim community, and indirectly, more widely within the Islamic world'. (Wapole, 2010) The state is therefore involved in helping Muslims but only if they promote compatibility between British values and Islam. The support, in other words, is conditional on how closely they synthesise their activities with the government's desires and objectives; not on a culturally nuanced bottom-up approach that factors in social, economic and political grievances that are largely responsible for creating conditions in which political violence and direct confrontation most often develop.

Whilst a number of local, national and international organisations which promote 'mainstream' Islam and believe in 'shared values' have been created or funded by the state, two notable projects are the 'Radical Middle Way' project (RMW) and 'Projecting British Islam' (PBI). Both are based on using Muslims who promote mainstream Islam, both have been manufactured by the Foreign and Commonwealth Office (FCO) and both have a national and international remit.

RMW was created in the aftermath of the London bombings and was issued with funding totalling to £1.6 million from the FCO and CLG, (Khan, 2009, 1099-00) The organisation states on its website that it attempts to 'promote a mainstream, moderate understanding of Islam that

young people can relate to'. (Radical Middle Way, 2014) During the early period of its activities, it undertook a series of UK roadshows, supported by the government, in which '20 influential mainstream Muslim scholars and thinkers' relayed 'arguments against extremist justification for terrorism and denounce[d] it as un-Islamic'. (HM Government, 2006, 14) The roadshows illustrate how mainstream Islam has been funded and supported by the government to undermine and refute those interpretations of Islam which it perceives are extreme and largely responsible for terrorism. The RMW roadshows attracted a significant number of British Muslims and were deemed to have been a success. According to estimates within CONTEST, 30,000 people attended the first seven of the 12 roadshows and 100,000 were expected to have attended the 20 roadshows in total. (HM Government, 2006, 14)

Projects such as the RMW, according to the FCO, have an addition benefit. They help heal the negative consequences caused by the Iraq War; a conflict that 'has brought an upsurge of resentment in British Muslim communities against the government and its policies'. (Wapole, 2010) This resentment, according to the FCO, has been caused because of the concept of 'Ummah', which has meant 'the oppression of Muslims is an issue felt by Muslims elsewhere'. (Wapole, 2010) However, this concept has been used by the state for Prevent purposes; showing how key concepts of Islam have been interpellated into the UK's strategic objectives. 'If HMG is seen as promoting and engaging mainstream Islam amongst British Muslims', the FCO notes, 'this will have ripple effect in other countries in which this [engagement] is projected'. (Wapole, 2010) Thus the promotion of mainstream Islam and engagement with British Muslims domestically, when communicated to overseas audiences, will show that the UK is engaging with its Muslim constituents and is focused on Muslim concerns. This therefore helps generate a positive impression of how Muslims are treated in the UK and helps dispel the view that the UK is fighting a 'war against Islam'.

Communicating such a message was undertaken through the ‘Projecting British Islam’ (PBI) project, which was solely funded by the FCO. Calculation of figures released under FOI and contained within Hansard reveal that PBI was issued with just over £1 million between 2005/06 and 2009/10. (Hughes, 2014; Howells, 2007, 831) The project comprised of a series of ‘media intensive visits’ by British Muslim delegations to Muslim majority countries in order to ‘counter misconceptions and misperceptions ... about the treatment of Muslims and Islam in the UK’ and to dispel the claim that ‘the UK and the West is engaged in a “War against Islam”’. (Hughes, 2014; Howells, 2007, 831)

It is claimed that a mainstream understanding of Islam, when relayed by credible conduits (an issue I discuss further in chapter six), has an ability to undermine ‘extremist ideology’ that would not be possible for the government to do directly. ‘Voices from within Muslim communities and the actions of Muslim organisations’, note CLG, ‘can be more powerful than most’ in countering ‘extremism’. (Department for Communities & Local Government, 2007a, 9) The Radical Middle Way project and Projecting British Islam are two examples of projects that amalgamate domestic and international approaches, and employ mainstream Islam that is promoted by Muslims to challenge and undermine those ideas and views which are claimed to be ‘extreme’. Again, this shows how large segments of Muslim civil-society have been manufactured by the state and only given resources and support if their activities are calibrated with the objectives of the state.

The use of a mainstream Islam, however, has not been without its criticisms. Its promotion has led to the claim that the government is favouring certain theological persuasions, i.e., *Sufi* over *Salafi/Wababbi*, which undermines the separation that is meant to exist between the ‘Church’ and the ‘state’ and gives the impression that there is a ‘good’ Muslim and a ‘bad’ Muslim, in turn fuelling sectarianism. It also gives the impression that the cause of terrorism and political violence is largely theological and ideological as opposed to being politically driven. Olivier Roy

notes that in promoting a ‘moderate’ form of Islam in order to counter a so called ‘extreme’ Islam elevates al-Qaida to a religious phenomenon. (Cited in Kundnani, 2009, 40) This, in turn, reinforces al-Qaida’s claim that the use of violence against the West is in defence of Islam and Muslims, both of whom are under attack. However, rather than altering or questioning their tactics which are counter-productive and short-sighted, the government has instead opted to manufacture civil society and community groups to undertake activities that present Prevent in a positive light, and through the funding structure, compelled all local authorities to partake in Prevent with a complete disregard of the ‘risk’ of terrorism. The following section of this chapter now examines how the state has manufactured and funded civil society and community organisations at the local level under Prevent.

Prevent Funding and ‘Capacity Building’

Countering ‘extremist’ ideology has not only been done through the promotion of a mainstream Islam but has also come through building the ‘capacity’ of Muslim communities to ensure they can take the lead in countering ‘extremism’. As discussed above, the countering of what is perceived as an extremist interpretation of Islam has increased resonance when it is undertaken by Muslims. In order to therefore equip local communities with the ability to do so, funding has been issued by central government to all local authorities ‘with populations of 5% or more’ Muslims (Department for Communities & Local Government, 2007b, 6). The implication here is that funding for the countering of extremism has not been provided on the basis of risk but on the basis that all Muslims communities are perceived to be a part of the problem, hence all local authority areas have been obliged to accept Prevent funding and undertake work in their local areas. ‘The underlying assumption’, notes Kundnani, ‘seems to be that the Muslim population as a whole needs to be ‘targeted’ in relation to violent extremism rather than specific groups or localities’. (2009, 12-3)

Once received by central government, funding for local organisations was awarded by local authorities on the premise that Muslim communities would promote and uphold ‘shared values’. In order to ensure ‘moderates’ were being funded, local authorities were instructed to consider whether individuals and organisations ‘publicly, clearly and consistently reject and condemn violent extremism and terrorist acts’ and whether they ‘share the same values’. (Local Government Association, 2008, 4)

Financial Year	OSCT	FCO	CLG	--
2007/08	£0.00	£0.00	£5 million	--
2008/09	£0.00	£0.00	£0.00	--
2009/10	£47 million	£19 million	£24.85 million	--
2010/11	£37 million	£17 million	£17.08 million	--/
2011/12	£36 million	£10 million	£0.00	--
Total	£120 million	£46 million	£46.93 million	£212.93 million

Figure 2: Funding issued by FCO, OSCT and CLG for Prevent from 2007 – 2011.

(HM Government, 2011, 100-1; HM Government, 2009a, 90; Department for Communities & Local Government, 2007c, 3)

In other words, funding was conditional on Muslim communities being proactive and open in relaying their support for ‘shared values’ in order to generate an impression of widespread support for Prevent. ‘If Muslim organisations merely pay “lip service” to the notion of tackling violent extremism’, the CLG note in one policy document, ‘this will be reflected negatively through the funding that they will not be allocated by government’ (Department for Communities & Local Government, 2007a, 9) In essence, a dynamic was created in communities that unless they would act according to the agenda set by the government, they would not be able to access funds and resources; creating, as Demos note, ‘an internal dynamic within communities to self-police in order to access funds’. (Bartlett and Birdwell, 2010, 19) This reveals how support has been provided so long as communities play according to the ‘rules of game’ which are set by the state/the power-holders. There are two problems with this approach -

rather than being based on a bottom-up approach that is based on a nuanced understanding of local factors, the government determining what happens is not necessarily going to reflect the actual problems as they exist on the ground. Secondly, Prevent has repeatedly been claimed to be about cooperation and partnership. However, ‘threatening’ the termination of funding from community organisations if they do not carry out their activities in accordance with the desires of the state, as discussed in chapter 1, makes such an approach coercive. Again, this shows how Prevent is coercion masquerading as consent.

In addition to displaying their commitment to promoting ‘shared values’ in order to access funds, those who wished to engage in the Prevent programme were also subjected to police checks. In one policy document that was produced for local authorities, it is noted that ‘local authorities should consult their police partners and trusted community partners on the suitability of groups or individuals tendering to receive Prevent funding or support’. ((Local Government Association, 2008, 4) ‘We want to make a hundred per cent sure that we’re backing the right horse’ notes Respondent 2 of the West Midlands CTU, who was involved in screening Prevent partners. (2011) ‘We’d say [to those tendering to receive Prevent funding] that we want your consent to check your name, address, date of birth, all the details that are on the application form, including business address, telephone number, email account and so on’. (Respondent 2, 2011) The applications, he explains, are taken ‘to the CTU’ who ‘then log them and check them. Only I get the results’. ‘I must have done hundreds of these application forms’ he recalls, ‘and not a single person has complained’. (Respondent 2, 2011)

The essence of conducting these checks is to ensure that government engagement and funding is not being given to organisations who are claimed to either directly or indirectly support the ‘extremism’, including through the promulgation of grievances that feed a sense of victimhood. Despite attempts to ensure funding was not allocated to ‘extremists’, Prevent faced criticism

from neoconservative groups for funding non-violent extremists who are claimed to reinforce al-Qaida's ideology and provide their use of violence with a sense of legitimacy. Such thinking has been promulgated by the Quilliam Foundation (amongst others), who have been almost entirely funded by the government under Prevent. Before discussing their activities, however, it is worth mentioning the role that 'key groups', notably Muslim women, can play according to Prevent, and the specific role they have played through the (now defunct) 'National Muslim Women's Advisory Group' (NMWAG).

The objective of capacity building work has been to empower 'key groups' in order to ensure that they can counter 'extremism' within their local communities. One of these 'key groups' are Muslim women who, it is claimed, often find themselves side-lined and marginalised in a manner where they cannot undertake activities or develop their skills that will assist them in countering extremism and other social problems within their local communities. (HM Government, 2008b, 7) 'All too often, their voice goes unheard' notes Hazel Blears MP, and 'some don't have the confidence or skills to speak up in forums dominated by men'. (Department for Communities & Local Government, 2008a, 2) Building the skills and confidence of Muslim women and breaking down barriers to their active participation in civic society and at the community level is thus considered key to countering 'extremism'. This is because 'Muslim women' are believed to 'have the strongest, most credible voices' in terms of 'turning [others] away from violent extremism' (Department for Communities & Local Government, 2007b, 11) and, through their 'unique viewpoint on the challenges faced by the communities they live in', are 'uniquely placed to solve [such] problems'. (Department for Communities & Local Government, 2008a, 1)

The Community Leadership Fund (CLF), one of the funding streams used to support Muslim communities, was thus specifically focused on building the capacity of Muslim women, in particular, their 'confidence/capacity ... to directly tackle signs of radicalisation in their local

communities’ and to develop their ‘skills’ to enable them ‘to participate in the civic, democratic, social and economical life’. (Department for Communities & Local Government, 2007c, 5) Such skills, it is claimed, enable Muslim women to occupy influential positions, which ultimately helps them ‘influence members of the community more widely’ (Department for Communities & Local Government, 2007a, 9) and ‘engage with young Muslims at risk of being targeted by violent extremists’ more effectively. (Department for Communities & Local Government, 2007c, 3) In other words, Muslim women make suitable conduits that can be used to counter ‘extremism’ and are therefore pro-actively courted by government. The work regarding Muslim women was primarily undertaken by the CLG, and one organisation created by CLG which shows how this courting works is the ‘National Muslim Women’s Advisory Group’ (NMWAG).

NMWAG was set up in 2008 and aimed to challenge, according to Hazel Blears MP, ‘the false and perverted ideology spread by extremists and [to] give our young people the skills and knowledge to turn their backs on hate’. (Powerbase, 2014e) It was launched at Downing Street by the Prime Minister and the Communities Secretary. It comprised of 19, later increased to 26, women who were ‘in positions of leadership or who [were] working with communities’ in order to enable them to ‘act as role models and represent the views and concerns of Muslim women’. (Communities & Local Government, 2008b, 30) Another responsibility of the group was to ‘advise the Communities Secretary on policy in this area’. (Communities & Local Government, 2008b, 31) According to data released under FOI, a breakdown of which is shown at Figure 3, NMWAG received funding from the CLG of £338,365 from 2007 - 2011. (Barnes, 2010)

NMWAG was involved in a variety of activities. One project, entitled ‘Play Your Part: Make Your Mark’, attempted to get more Muslim women to become involved in politics. The project consisted of ‘a residential weekend at a leading UK university’ that would help develop ‘networking and communication skills’ of participants, whilst providing them with ‘the

opportunity to meet with a range of existing mentors and role models such as established magistrates, councillors, school governors and public appointment recruitment specialists'. (Department for Communities & Local Government, 2009)

According to Allen & Guru, NMWAG was 'nurtured to act as the mouthpiece of government by appealing to a secular and a human rights agenda with clear anti-terrorist sentiments' which had, they note, 'an unclear, vague remit and purpose' and was therefore 'bound from the very beginning to divide and disappoint'. (2012, 7) Due to the organisation's work, which related to issues concerning cohesion rather than counter-extremism or counter-terrorism, the organisation was eventually disbanded in 2010. Despite the ineffectiveness of the NMWAG in practice, it reveals that Prevent considered Muslim women to have a role in countering 'extremism' and 'terrorism', and how it used them as 'conduits' (or 'key voices') to promote 'shared values' and counter extremism.

Financial Year	NMWAG Running Costs (Travel, expenses, training etc)	NMWAG Projects (Role Models, Civic Participation, Theology)	Total
2007/08	£22,217.00	£0	£22,217.00
2008/09	£30,349.00	£9,975.00	£40,324.00
2009/10	£6,357.00	£143,965.00	£150,322.00
2010/11	Not available	Not available	£125,502.00
			£338,365.00

Figure 3: Breakdown of funding provided to National Muslim Women's Advisory Group (NMWAG) for 2007-2011

The government also tried countering extremism and terrorism by using reformed 'former extremists'. The chapter now examines their activities by examining the role of the Quilliam Foundation in influencing governmental and policy circles in promoting the 'conveyor belt theory'. This is the theory which claims that non-violent extremism or ideology reinforces and

leads to terrorism and must therefore be countered. This is an absolutely central aspect of Prevent and has influenced the activities of policing agencies, especially under the Channel ‘de-radicalisation’ programme, which is discussed later in this chapter.

The Quilliam Foundation

The Quilliam Foundation is a London based think-tank that claims to challenge Islamic (and as of recently, far-right) extremism in the UK and abroad. It was set up in 2008 by self-styled ex-extremists, Maajid Nawaz and Ed Husain, both former members of the political Islamic group, Hizb ut-Tahrir. From its creation in 2008 until 2012, funding to the Quilliam Foundation has been issued by the FCO and the Office for Security and Counter-Terrorism (OSCT) totalling almost £2 million. (Fanshaw 2010; Hughes 2010, Fanshaw, 2012¹) According to its website, Quilliam also receives funding from ‘private individual donations, private philanthropic foundations ... trust grants’ and ‘several American charitable foundations’. (Quilliam Foundation, 2014) One such American Foundation is the ‘Stuart Family Foundation’, which provided Quilliam with \$245,000 in 2011. (Stuart Family Foundation, 2012) Calculating data from FoI requests and contained within its progress reports shows that in 2009/10, government funding – as shown in Figure 4 - has accounted for over 92% of its entire income. (Miller & Sabir, 2012, 12)

Since its creation, Quilliam has been embroiled in a series of controversies, which include the issuing of ‘alerts’ against so-called ‘extremists’; encouraging surveillance of innocent Muslims and

¹ The exact amount of funding provided to the Quilliam Foundation by the OSCT and FCO is: £1,989,885.10. The FCO provided £751,695 and the OSCT has provided £1,238,190.10. An OSCT breakdown from 2008/09 until 2011/12 is as follows: 2008-09 £664,908.00; 2009-10 £387,382.10; 2010-11 – £158,906.66; 2011-12 – £26,993.34; TOTAL - 1,238,190.10

preparing ‘secret blacklists’ against those organisations and individuals that they claim share the same ideology as al-Qaida.

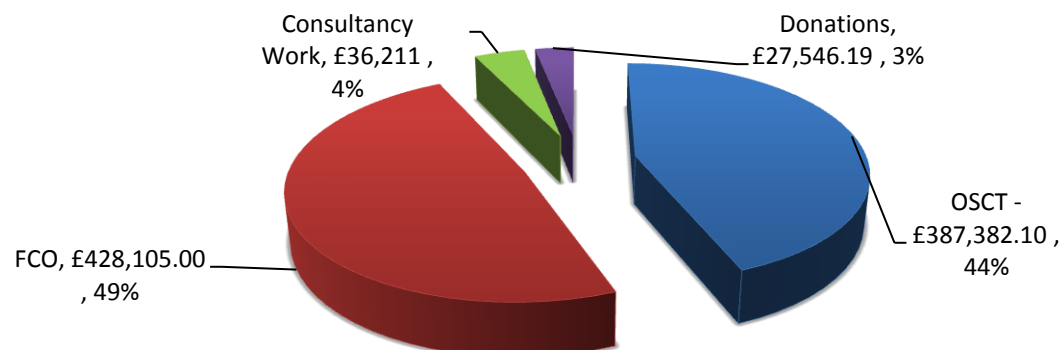


Figure 4: Quilliam Foundation sources of funding for 2009-2010 (Miller & Sabir, 2012, 12)

The ‘alerts’ were issued against individuals and organisations who, Quilliam claimed, were ‘Islamist’ or ‘extremist’. In one alert, the Scottish National Party (SNP) candidate for Glasgow Central, Osama Saeed, who was running for the Westminster election in 2009/2010, was labelled an ‘Islamist’. Quilliam claimed that Saeed had been involved in ‘promoting religious separatism’ and did not understand ‘basic democratic principles’. (Quilliam Foundation, 2009a) The Quilliam Foundation went on to advise the SNP that by endorsing Saeed they would be ‘inadvertently promoting one of the more divisive and illiberal strains of modern Islamic thought’. (Quilliam Foundation, 2009a) The Islam Channel was also the subject of a Quilliam ‘alert’. It was accused of hosting speakers who were ‘Islamist extremists’ and ‘Wahhabi graduates of Saudi universities’ who were promoting ‘intolerant and bigoted interpretations of Islam’ and ‘hatred of Shia Muslims’. (Quilliam Foundation, 2009b) The alert was quickly refuted by supporters of the Islam Channel and accused of ‘creat[ing] fear’, (Muslim Matters, 2009) though Ofcom (2010) upheld the Quilliam Foundation’s complaint and ruled that the Islam Channel had breached the Broadcasting Code in some broadcasts.

In 2009, when the Guardian reported that Prevent was being used as a cover for gathering intelligence on the activities of innocent Muslims, Quilliam became embroiled in another controversy. Its Director, Ed Husain, argued that spying on the Muslim community was morally justified in the interest of keeping the UK safe from terrorism. (Dodd, 2009) '[Prevent] is gathering intelligence on people not committing terrorist offences', he told the Guardian, and 'if it is to prevent people getting killed and committing terrorism, it is good and it is right'. (Dodd, 2009) The alternative, he argued, would be 'to let the buggers do what they wish, until they appear on the violence radar, which is too late'. (Dodd, 2009) In response to Husain's comments, a comprehensive rebuttal was issued by the OSCT, which claimed that 'the purpose of Prevent has never been to spy on innocent people or to collect intelligence'. (Research, Information & Communication Unit, 2009, 2) Accompanying the rebuttal was a copy of a letter that the OSCT's Director of Prevent, Debbie Gupta, had directly sent to Ed Husain. 'I recognise that your comments may have been taken out of context', notes Gupta, but 'your videocast on the Guardian website left little room for doubt'. 'I would ask', she continues, 'that in future you speak with more care and accuracy, and do not reinforce inaccurate and unhelpful claims about Prevent'. (Research, Information & Communication Unit, 2009)

Within a year, Quilliam found itself in the spotlight again. In a report entitled 'Preventing Terrorism: Where next for Britain?', thirty seven Muslim organisations were accused of being 'Islamists' and 'extremists', including the Federation of Student Islamic Societies (FOSIS), the Muslim Council of Britain (MCB), I-Engage and a number of mosques and Islamic centres throughout the UK. (Quilliam Foundation, 2010) These organisations are differentiated from 'revolutionary' and 'militant' Islamists by the Quilliam Foundation and are instead referred to as 'political/entry level Islamists'. They do not use violence or reject engagement, according to Quilliam, but engage and work within the system in order to subvert it from within. 'These Islamists', Quilliam claim, 'engage with and use the current political system in order to weaken it

from within and advance their goal of replacing it with an Islamist state' (Quilliam Foundation, 2010, 7) In other words, according to Quilliam, the objectives of violent and non-violent organisations are the same; the difference concerns only tactics.

Quilliam's report was marked 'not for public disclosure' and was addressed personally to the Director-General of the OSCT, Charles Farr, whose 'ear' Quilliam 'used to [have]' prior to 2011, according to Respondent 3 (2011) from the OSCT. It was not to be seen or disseminated to civil servants or journalists in order to avoid, according to Quilliam, 'the twin distractions of media attention and potential civil service defensiveness'. (Quilliam Foundation, 2010) However, the report, which is understood to have been sent only in hardcopy, was electronically scanned and leaked onto the internet in full format, along with the covering letter addressed to Charles Farr. Following its publication, Quilliam faced a barrage of criticism. 'This is just like something straight out of a Stasi manual', notes one commentator, who accuses Quilliam of 'attempting to set themselves up as arbiters of who is and is not an acceptable Muslim'. (Dodd, 2010)

'Islamism' or political Islam consists of a number of diverse movements and groups that range from those with more democratic tendencies, such as in Turkey, to more violent and militant groups, such as al-Qaida (Ayoob, 2007). Labelling all Islamists as potential problems and enablers of terrorism therefore limits, some argue, the government's attempts to counter its violent and militant components. 'The ardent opposition to all shades of Islamism by former Islamists such as Ed Husain' notes Hellyer, 'may serve to push away some allies we may have against Al-Qa'ida on the streets of Britain'. (2008, 11) This is an argument that has also been advanced by Robert Lambert, a former police officer who led Scotland Yard's 'Muslim Contact Unit' (MCU) which partnered with Islamist or 'Salafi' groups in order to counter the influence of al-Qaida related ideologues in London. (Lambert, 2011)

The MCU's most notable activities reportedly included reclaiming the Finsbury Park Mosque from Abu Hamza and challenging the influence of alleged al-Qaida ideologues amongst black converts to Islam through a project known as 'STREET'. (Lambert, 2011) According to DEMOS, though 'Salafi' and 'Islamist' have become 'pejorative terms' and have led the MCU to face criticism for empowering such groups, standing by their partners despite repeated criticism and scorn from some commentators and organisations 'won respect and trust [for the MCU] in the very heart of [Muslim] communities' where the perception is that the government's policies and practices have indiscriminately targeted them. (Brigs et al, 2006, 35) Funding the Quilliam Foundation, which, argue Lambert & Githens-Mazer, not only stigmatises innocent Muslims but reduces the ability of the police to counter the threat of terrorism. (Githens-Mazer and Lambert, 2009) 'The solution to the Islamist problem' notes one commentator, 'is to make use of it'. (Whitaker, 2010)

Despite the claims made by those who have been involved in such partnership work, the understanding promoted by the Quilliam Foundation is that all 'Islamists', including non-violent elements, should not be used for Prevent purposes. It is an idea that has been accepted by the Conservative-led coalition government and forms the foundation of the revised Prevent strategy. The strategy notes, for example, that 'preventing terrorism will mean challenging extremist (and non-violent) ideas that are ... part of a terrorist ideology'. (HM Government, 2011, 6) It also notes that the government 'will not work with' and 'will not fund' organisations that do not accept 'universal human rights, equality before the law, democracy and full participation in [British] society'. (HM Government, 6) This position has been vigorously promoted by the Quilliam Foundation, and formed the content of its 'secret' report. This seems to suggest that Quilliam's ideas have gained traction amongst governmental and policy circles. More importantly, it shows how the government is only willing to collaborate with those organisations and individuals who play according to the 'rules of the game' that are determined by them, as

opposed to providing space or freedom to organisations which have been shown to successfully work on the ground. Again, this indicates how Prevent is more about securing vested governmental interests in name of cooperation, community work and partnership than it seems to be about 'preventing' terrorism.

Statements made by government ministers, including Prime Minister David Cameron, also reveal Quilliam's influence. In his Munich speech criticising 'state multiculturalism', Cameron said: 'We need to be absolutely clear... on where the origins of ... these terrorist attacks lie. That is the existence of an ideology, Islamist extremism.' (Cameron, 2011) A former senior official from the OSCT, who led a team of experts advising the government on the content of the Munich speech, was 'shocked' that non-violent extremism was being considered to be the primary cause of the current terrorist threat. (Ahmed, 2013) 'We were telling the coalition cabinet that non-violent extremism is not a factor in the real threat', the official notes, but it was included in the speech. 'I was gobsmacked', he notes. (Ahmed, 2013) 'The things [the PM] said about multiculturalism being a problem, about the need to focus on non-violent extremists, were totally new'. (Ahmed, 2013) 'The speech', the official claims, 'had been modified in certain small but important ways that completely transformed the overall message'. (Ahmed, 2013)

It later emerged that Quilliam's Maajid Nawaz had been invited by Downing Street to brief the Prime Minister on the Munich Speech. 'David Cameron was due to give an important speech in Munich, distinguishing Islam from Islamism and extremism' notes Nawaz in his memoirs, 'and was requesting my advice'. (2012, 349) 'I told Cameron that he shouldn't be afraid to criticise Muslims who were putting forward extremist views in the name of faith' and that 'there was a difference between holding these views and religious piety'. (Nawaz, 2012, 351) 'Almost all of my suggestions', Nawaz notes, were 'included' in the Munich speech. (2012, 352)

Maajid Nawaz's influence on the Munich speech has been claimed to have been exaggerated by one FCO official, who notes that while 'other civil servants may have been sidelined in the process ... Nawaz is exaggerating the extent of his impact'. (Ahmed, 2013) Though Nawaz may have exaggerated his personal influence on the Munich speech, it is undeniable that the 'conveyor belt theory' consistently advanced by the Quilliam Foundation is an idea that has gained traction within counter-terrorism policy, and has influenced how government understands the process of 'radicalisation'. Though they have been accompanied by notable think tanks such as the Centre for Social Cohesion and Policy Exchange, as discussed by Mills et al, (2011) the Quilliam Foundation has been an important player in advocating such an idea.

The fact that almost all of the funding for Quilliam has been provided by the state shows how the manufacturing of civil society has significantly helped the government appear as if its engaging and formulating nuanced policy that is a consequence of consultation with people who are in-tune with the reality of 'extremism' and terrorism. However, data acquired under FOI suggests that government departments have been pro-actively involved in almost micro-managing Quilliam and determining what they say and how they go about saying it. A senior researcher from the Home Office and the Ministry of Justice, for example, claims that Ed Husain's book, 'The Islamist', was 'effectively ghostwritten' by 'senior policy makers... in No. 10, Joint Terrorism Analysis Centre, the intelligence services, Foreign & Commonwealth Office and the Home Office.' (Ahmed, 2013)

According to data released under FOI to the author, the Quilliam Foundation had a total of 39 meetings with the Home Office, the FCO and CLG between 2007 and 2010; (Fanshaw, 2010; Hughes, 2010; Thomas, 2010²) providing some insight in to the high level of involvement

² A breakdown of the number of meetings held is as follows: 10 meeting with CLF between 2007-2009; 20 meeting with FCO between 2008-2010 and; 9 meetings with Home Office/OSCT between 2008-2010

between them and policy makers. The meetings held with the Home Office, according to the data took place to discuss innocuous issues such as ‘a Quilliam press release’ and for the purpose of ‘informal catch-up[s] between the Director of Prevent and Quilliam Directors’. (Fanshaw, 2010) Discussing press-releases suggests an element of ‘micro-management’ by the Home Office.

In another instance, Debbie Gupta, the then Director of Prevent at the OSCT, wrote a letter to the Quilliam Foundation in which she conveyed her disappointment at not being provided with a pre-publication copy of a Quilliam report on radicalisation and prisons. ‘I was disappointed at the way in which the publication of your report on prisons ... was handled’ notes Gupta. (Fanshaw, 2010) ‘OSCT’ ... were [not] given an opportunity to read the report in full prior to publication and, indeed, press coverage’. (Fanshaw, 2010) ‘Quilliam’s handling of the publication’, Gupta adds, ‘is at odds with your assertions of willingness to work constructively with Government’. (Fanshaw, 2010) She concluded the letter: ‘I would reiterate my request that, in future, you share with us material you intend to release to the press in advance and in a timely fashion’. (Fanshaw, 2010) Such information brings Quilliam’s ‘independence’ into considerable doubt.

Whereas the Home Office provided some details on the purpose of the meetings with the Quilliam Foundation, the FCO refused to disclose meeting minutes and the purpose of meetings. In its response to the author, it claimed that ‘official records of meetings and minutes are not always kept and therefore there is little information available’. (Hughes, 2010) The information that is held, however, was exempted by the FCO on the ground that its release ‘would or would be likely to, prejudice relations between the United Kingdom and any other state’. (Hughes, 2010) This is notably because the Quilliam Foundation’s involvement with the

FCO took place in relation to counter-radicalisation work that was undertaken in Pakistan. (Hughes, 2010) The CLG also stated that ‘there were no formal minutes of these meetings’ but did provide an overview of one meeting that discussed Quilliam’s recommendations that were made in their report ‘Mosques made in Britain’. (Thomas, 2010)

It therefore seems that whilst Quilliam may have had some influence over government policy, policy makers have also been involved in shaping Quilliam’s activities and agenda. The current government, for example, appears to support Quilliam’s claim that non-violent extremism reinforces the terrorist threat and therefore believes that targeting non-violent ideas is a central component of counter-terrorism work.

Adopting such an approach, of course, is not without its consequences. According to Kundnani, ‘The possibility of anti-western “extremists” winning over mainstream Muslims to their cause [is] seen as a strategic challenge to British national security’. (2009, 40) As a result, challenging ideas advanced by individuals or organisations, even when non-violent, becomes a central part to counter-terrorism activity. In this sense, ‘British Muslims’, Kundnani writes, ‘no longer [remain] citizens to whom the state is accountable but potential recruits to a global ... insurgency’ (2009, 40) who must therefore be prevented from being exposed to particular ideas, views and perspectives, even if they are advanced by non-violent individuals/organisations.

Though non-violent ‘Islamists’/‘extremists’ do not encourage or promote violence, they provide, according to the Quilliam Foundation, ‘a narrative in which Islam as a faith is portrayed as being under attack’ and by championing such a narrative, ‘non-violent Islamists’ provide ‘the mood music to which suicide bombers dance’; (Quilliam Foundation, 2014) hence countering non-violent ideas and stopping people from internalising ‘extremist’ ideology is the overarching objective of Prevent. As discussed thus far in this chapter, such work is undertaken by

promoting 'mainstream Islam' through civil society projects and organisations that have been manufactured by the state. The final area this chapter is concerned with examining is therefore the 'Channel' programme, which, as shall now become clear, attempts to directly challenge people who hold non-violent/dissenting/alternative opinions and ideas in a bid to depoliticise them, even if their views and actions are lawful. Analysis of the Channel programme is important because it ensures this study's showcases how consent is manufactured and how attempts are being made to ensure dissent is undertaken in a way that the state's power and interests remain largely unaffected.

Channel

The Channel programme is the name given to a police-coordinated, multi-agency 'de-radicalisation' programme that aims to identify individuals who are considered to be 'vulnerable' to supporting or becoming involved in terrorism. Once identified, 'vulnerable' individuals are provided with a tailor-made 'de-radicalisation' programme that claims to 'support' them in ways that they become 'de-radicalised'. 'De-radicalisation', which Channel is ultimately involved in undertaking, is defined as activity that aims to 'effect cognitive and/or behavioural change' in an individual in order to cause 'a new outlook on terrorism and/or disengagement from it'. (HM Government, 2011, 107) 'Extremist' ideology, according to the former National Coordinator for Prevent, should be understood as a 'virus' that 'infect[s] some who come into contact with the source' and what is therefore required is protection for those who are 'the most susceptible and vulnerable in our communities' to infection. (Bettison, 2009, 130-131) Channel, in this sense, is a way of 'treating' those who have - in Bettison's words - become 'infected'.

Even though far right extremism has recently been incorporated into the programme, the focus of Channel remains overwhelmingly on countering 'al-Qaida' influenced activity. According to the ACPO, this is because 'the greatest threat ... is from terrorists who claim to act in the name

of Islam'. (Association of Chief Police Officers, 2014) As a result, they continue, the Channel programme 'predominately takes place in and with Muslim communities'. (Association of Chief Police Officers, 2014) The figures support this statement.

From 2006 until 2013 there were a total of 2,653 Channel referrals. (Association of Chief Police Officers, 2014) From 1 April 2013 until January 2014, there were 687 referrals. (Traquair, 2014) The total number of referrals from 2007 until 2014 therefore stands at 3,340, as shown in Figure 5. A breakdown of data for 2012/13 shows that 57 per cent (n=426) of individuals who were referred to the Channel programme, were Muslim, whilst 'other religions' accounted for 11 per cent (n=82). The religion was not known for 27 per cent (n=201) of those who were referred. (Association of Chief Police Officers, 2014) A breakdown of the total number of individuals referred to the Channel programme from inception until 2014 by 'age' shows that 25 per cent (n=843) were under 16 years of age and 16 percent (n=554) were under 18 years of age. (Traquair, 2014) In other words, 41 per cent, that's almost half, of all referrals made to Channel programme concern under 18's.

In order to assess whether an individual is 'vulnerable' to becoming involved in terrorism, four 'indicators' are used. These are 'expressed opinions', possession of 'material' - i.e., extremist literature, 'behaviour and behavioural changes' and 'personal history'. (HM Government, 2010, 9-10) The Channel guidance, however, notes that 'there is no single route to violent extremism nor is there a simple profile of those who become involved' in terrorism, which means that 'these indicators are [not] the only source of information required to make an appropriate assessment about vulnerability'. (HM Government, 2010, 10)

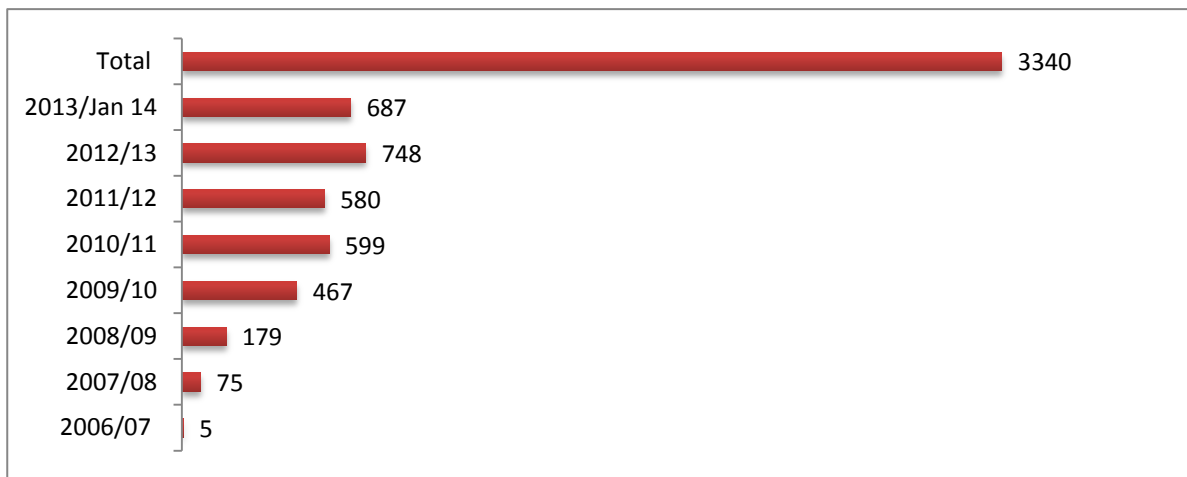


Figure 5: Yearly breakdown of Channel referrals from 2006-2013. (Association of Chief Police Officers, 2014; Traquair, 2014)

Other pieces of information are also used to decide whether an individual is a ‘vulnerable’ to extremism, which includes police intelligence on whether an individual has attended protests or is a member of protest groups. This assertion is made after an interview was conducted with Jameel Scott, who’s case is now examined.

Scott was referred to the Channel programme when he was 16-years-old after attending a demonstration to protest against the presence of the deputy Israeli ambassador to the UK, Talya Lador-Fresher. Lador-Fresher had been invited to speak at the University of Manchester in April 2010 and Scott and his fellow Palestinian rights protestors had planned to challenge the deputy ambassador over allegations made in the Goldstone report that Israel had committed war crimes in ‘Operation Cast Lead’ (the 2008 attack on Gaza). During the demonstration, Scott was arrested for an alleged public order offence but later released without charge. Shortly afterwards, officers from the North West Counter-Terrorism Unit (NWCTU) went to his house to inform him that they considered him to be vulnerable to becoming involved in terrorism and had therefore referred him to the Channel programme. ‘I was sat down and I was told that I had

been referred ... and ... that I would be on the Channel project for 2 to 3 years', recalled Scott (2011) 'The police, he notes, 'made it clear that [they weren't] concerned about myself and what I was personally getting involved in but it was the people that I had connections with'. (Scott, 2011) 'There's nobody within my circles that is involved in political violence or serious organised violence to overthrow ... democracy', he said. 'People at most will put bike locks around their neck and chain themselves to a fence. They're activists'. (Scott, 2011) The author asked Scott what groups he had been affiliating with, to which he replied: the 'Socialist Workers Party, Unite against Fascism, Love Music, Hate Racism and Faith Network for Manchester'. (Scott, 2011) The indicators used to assess his 'vulnerability' to becoming a terrorist, from Scott's recollection, are clearly based on his involvement with protesting and dissenting and his connections to 'left-wing' and 'anti-racism' groups.

When a referral to Channel is made, it must be immediately screened by a 'Channel Coordinator'. It is then relayed to a 'preliminary assessment' stage where a decision is made as to whether the individual should be transferred to a more suitable organisation for attention or whether the case is inappropriate and should exit the Channel process. If it continues as part of Channel, the referral is accepted and activated. A 'multi-agency' panel, which comprises of partners that include, but are not limited to, local authorities, youth offending services, UK Border Agency, Prisons, Housing and local community members, then proceed to devise a 'support package'. (HM Government, 2010, 12-14) The process sounds rigorous and suggests that individuals who are referred will only be referred if they are genuinely 'at risk'. However, Scott's case highlights that this process of assessment, in at least one case, is not as rigorous as claimed.

'[The police]' Scott notes, 'were saying that they don't think I'm a terrorist but just want to make sure that I don't fall in with the bad crowd'. (2011) 'I was bemused' he notes, 'by the whole ... process of not being called a terrorist, because it was quite clear that I wasn't in the terrorist

category but being told that I'm being monitored and mentored by an anti-terrorist project'.
(2011)

One shortcoming of the Channel programme is that those who are most susceptible to supporting or becoming involved in terrorism will most likely not be supported or mentored by the programme, certainly not overtly. This point needs clarifying. Channel cannot compel an individual to participate in the programme and individuals can simply refuse to engage. As a result, on some occasions, 'mentors' deliberately conceal from the referred individual that they are being mentored under Channel, implying that it's some general youth project that they are a part of, but attempt to alter the individual's views and perceptions. (Kundnani, 2014, 179) In such an instance, the individual's participation in Channel programme is the result of 'manipulation', not consent. Precisely how many individuals are being referred to the Channel programme but without being told that they are specifically on the Channel programme is unknown.

When an individual is subjected to a Channel intervention, 'de-radicalisation' takes various forms. For example, a 'mentor' - who must be 'reliable', 'trustworthy' and 'committed to shared values' – can 'de-radicalise' a 'vulnerable' individual by providing 'counselling' or 'faith guidance'. (HM Government, 2010, 15) It can also involve engaging 'support networks' such as families, along with 'mainstream services' such as housing, employment and education. (HM Government, 2010, p.15) Scott's referral to Channel involved no mentoring or counselling meetings, but instead involved his family (i.e., 'support networks') and his school/college, along with his housing association (i.e., 'mainstream services').

The only meetings which occurred during Scott's Channel intervention were two meetings in which he met with officers from the NWCTU. Both meetings, lasted for no longer than 2 hours in total. (Scott, 2011) In the first meeting, Scott notes, the officers 'outlined the counter-terrorist

strategy' and said 'they were concerned about the demonstration I had been on and that I was actively involved in [demonstrations and activism] at such an early age and that I had no previous political history'. 'It was completely and utterly exaggerated' he notes 'but scary at the time'. (2011) In the second meeting there was only one officer present, along with Scott's aunty. During this meeting, Scott notes, the officer 'said that they were happy with how things had been going but they still wanted to keep an eye on me. It was just a catch up meeting ... That was pretty much it' (2011)

Scott's intervention therefore involved no mentoring or counselling. Instead, his intervention consisted of the police engaging with his school, college and his family in order to prevent him from attending demonstrations. 'My mother was getting called, school was getting called, college was getting called and my aunty was getting called'. (Scott, 2011) 'I was never contacted directly. It was more of them wanting to put pressure on my family to get me to change'. (Scott, 2011) In one instance, 'I know they met ... with my Deputy Head Teacher before an EDL demonstration and specifically requested that I wouldn't be going'. (Scott, 2011) In another instance, prior to a demonstration commencing at the venue where the Conservative party conference was being held, Scott notes that the police 'phoned up [college] and made sure that I wasn't allowed to go'. (2011) In addition to contacting his school and college, Scott's mother and aunt were also contacted. 'It's not often they've called my mum. I'd say like 3 times in the past 2 years. They called my aunty at least twice'. (Scott, 2011) 'When they've called my mum, they've basically told her to not let me attend demonstrations'. (Scott, 2011)

In addition to his school and college being used in an attempt to prevent him from being involved in demonstrations, another 'mainstream service' that played a part was Housing. Scott explains that the police 'wanted to provide me with the space' and therefore 'recommended my mum moving house to provide me with the space because I was spending so much time with the SWP'. (Scott, 2011) Scott had already submitted an application to Housing as he wanted to move

into his own house, but his application had been placed on a waiting list. After being put forward to the Channel programme, 'the police', he notes, 'pushed my paperwork up'. (Scott, 2011) The house in which he resides at the time of writing was thus allocated after, Scott notes, 'the police ... made a referral to the Housing Agency' and said 'they would really like this [house] to go through [to me]' (Scott, 2011). The police, according to Scott, were helping with his housing application, 'because they thought that me getting my own place would help me settle.' (Scott, 2011) Relocation, in other words, was being used as a method to 'de-radicalise' Scott.

This reveals that different techniques are used in the course of a Channel intervention and that not all interventions will revolve around providing mentoring or counselling. His case also shows how channel attempts to cause a change in individuals mind-set by pressuring or collaborating with third parties, in Scott's case, his family, school, college and housing. The monitoring (or 'surveillance') he was also subjected to, as discussed in chapter 1, also reveals how the Channel programme and Prevent is about coercion; not persuasion as is claimed in the policy documents. It is also significant for a number of other reasons.

His case reveals the mechanics of Channel/Prevent, and how civilian bodies such as housing and education have been 'securitised' (an issue that is discussed in the following chapter in some detail in reference to Universities). Most importantly, Scott's case reveals that the indicators used to assess whether an individual is a 'vulnerable' to terrorism not only include those that are listed in the policy documents but also include the use of police intelligence where an individual has been involved with political dissidence, activism and is affiliated to non-violent organisations who espouse counter-hegemonic and alternative ideas and views than those held by the political class. Again, this shows how non-violent activism is considered to be a sign of potential terrorism, meaning that individuals are targeted before they have done anything 'unlawful' or anti-democratic. In the case of Scott, his activism led him being subjected to a Channel intervention, but in the context of the author, as discussed in chapter 2, it was his involvement in

pro-Palestinian activism that put him on MI5's radar and seemingly increased the chances of his arrest and detention for suspected terrorism. This shows that the decision on what action to take is arbitrary, again, an issue discussed in more detail in the following chapter, and reveals that rather than being about stopping extremism or political violence, Prevent seems to be more about controlling ideas, views and the will to dissent and resist state power.

Conclusions

The Prevent programme aims to counter 'extremist ideology' on a domestic and international level, which is not illegal or unlawful to hold, but is claimed to reinforce the narrative and grievances used by terrorists to justify their activities, hence it is subjected to challenge under Prevent. Prevent activity takes four forms.

The first is based on supporting and promoting 'mainstream' Islam, which does not consider itself to be at odds with 'shared British values'. 'Extremist' Islam, it is claimed, is based on a manipulated and distorted reading of Islamic doctrine, which is used to legitimise the use of terrorism by providing it with a form of religious permissibility. Because of this reliance on doctrine, 'mainstream' Islam is thus considered to be a powerful bulwark against it because it has an ability to refute 'extremist' interpretations as ill-informed and incorrect, and by removing the religious justification for terrorism means undermining al-Qaida. Though the government denies interfering in theological matters, its support and construction of civil society bodies who are ultimately concerned with relaying mainstream Islam, domestically and internationally, such as Radical Middle Way and the Projecting British Islam, showcases how civil society has been manufactured as a way of enabling the state to determine which interpretations of Islam are acceptable.

The second technique used to counter ideology is through building the capacity of ‘moderate’ Muslims in order to ensure they can take up positions within their local communities and, in turn, challenge and undermine ‘extremist’ interpretations of Islam wherever they find them. In order to build such a capacity, funding has been assigned to existing organisations, and in some cases, organisations have been specially created for such purposes. This ‘top-down’ approach however pressures Muslim communities to do as dictated to by the state if they are to sustain their resources and indeed their existence, which ultimately disregards the problems on the ground. This means that ideology is overplayed and other factors considered to drive political violence remain unaddressed, suggesting that the threat of terrorism will remain largely intact.

The third technique used to counter extremist ideology has been to support and fund former extremists, such as those who run the Quilliam Foundation. Quilliam have been one of the leading organisations who claim that the ideas propounded by non-violent Islamists should be countered under the Prevent strategy since they reinforce the narratives of al-Qaida. The Quilliam Foundation’s ideas have been somewhat influential in shaping the Prevent strategy, especially in its revised format. Quilliam’s attempts to promote disengagement with those groups who do not call for terrorism or violence but dissuade Muslims from participating in UK life or proactively believe in concepts such as ‘shared values’ and democracy. These ideas have become central to Prevent but such thinking associates non-participation in British life as being synonymous with terrorism and lumps dissenting and non-agreeing voices as being somehow connected to al-Qaida. Such an approach inevitably supports a vast array of securitised policies being used against the Muslim community which ultimately reinforces an image of Muslims as a ‘fifth column’, an enemy within and constructs them as a suspect community.

The targeting of non-violent ideas through the Channel programme, the fourth but central component of the state’s attempts to undermine the extremist ideology means that individuals

who have not committed a criminal offence or involved themselves in any terrorist related activity are seen as being potential terrorists who require 'de-radicalisation'. The decision to refer an individual to the Channel process is made by using loosely defined indicators and a process that seems to be rigorous, but, in actuality, is based on a person's involvement with or affiliation to certain organisations, individuals and activities, even when they are non-violent, lawful and democratic. Such an approach leads entire sections of the community, even when they do not call for or support terrorism, to be criminalised and constructed as 'suspect'.

By focusing entirely on ideology as the ultimate driver of political violence, the role of political grievances and British policy, especially foreign policy, is neglected. This reinforces the very idea that the Prevent programme is trying to counter: that the UK is not at war with Islam and Muslims. This potentially causes Muslims to draw inward rather than being open and engaged. Thus rather than empowering, as the Prevent programme claims to do, it seems to be having the opposite effect - disempowerment.

The desire to involve oneself in political violence is reduced if a system of power creates space, notably through civil society, for dissent that ultimately leads to empowerment and the discovery of solutions. However, rather than allowing civil society to be the sphere in which free-thinking and organic ideas emerge, the state has manufactured civil society as a way of co-opting and using Muslims to counter an ideology which it claims is the root cause of terrorism. Co-opting Muslims in such a way is a method used to legitimise government policy, especially foreign policy, and allows the government to represent itself as being committed to partnership work, when in reality, the constant threat of having resources terminated if an organisation does not operate in a way that supports the state shows how Prevent is less about partnership and more about using coercion that is represented as cooperation. Again, this blurs the line between consent and coercion, or Pursue and Prevent.

As the next chapter now proceeds to show, whilst new Muslim civil society organisations have been manufactured to counter ideology, existing and established civil society institutions, such as universities, have been pierced. This is based on two notable reasons. Firstly, because ideas, views and opinions are considered to be largely responsible for terrorism, universities serve as institutions in which ideas and views are created, discussed, shared and analysed. If the state therefore leaves universities untouched, these institutions may serve - as some neoconservative organisations and individuals have said – as breeding grounds for terrorism. In the battle against ideas and views and for the purpose of shaping and moulding opinions to maintain hegemonic power, universities have become a key battle ground. This is a notable reason for examining the role of Prevent at universities.

Secondly, universities have been pierced because ‘extremist’ ideology is deemed to be responsible for terrorism and by operating at universities, the state maximises its chances of collecting intelligence on individuals who are more likely to accept and disseminate ‘hostile’ ideas and views. Again, this collection of intelligence at universities under the auspices of Prevent makes the programme an extension of the surveillance infrastructure and reveals the coercive nature of the policy; showing how the boundaries between coercion and consent, or Pursue and Prevent, have become blurred. It also shows

Chapter 5

Prevent, Universities and Intelligence

Introduction

The overarching objective of the Prevent strategy is to promote and support a ‘mainstream’ version of Islam in order to counter ‘extremist’ voices and views, which are not unlawful to hold but are claimed to reinforce the narratives and grievances that al-Qaida use to justify their activities. Various methods, including capacity building of ‘moderate’ organisations and ‘mainstream’ voices, are used but one of the most important is through the Channel programme, as discussed in the previous chapter. Individuals who are referred to Channel for ‘de-radicalisation’ are claimed to be, ‘vulnerable to radicalisation’, which means they are perceived to be potential/future terrorists. (Knowles, 2012, 25) The responsibility to refer such individuals falls not only to communities but to ‘statutory partners’ or civil society bodies such as the health service, schools, colleges and universities; all of whom have been assigned the responsibility to tackle ‘radicalisation’ and ‘extremism’ in their institutions.

Universities have been especially picked out for attention as they are claimed to be ‘vulnerable institutions’ that allow, sometimes inadvertently, their free-spaces to be exploited by ‘extremist’ ideologues to promote ideas and views, which have, it is claimed, a potential to ‘radicalise’ ‘vulnerable’ and impressionable people into condoning or becoming involved in terrorism. ‘Universities’, the Prevent strategy notes, ‘have a clear and unambiguous role to play in helping to safeguard vulnerable young people from radicalisation and recruitment by terrorist organisations’. (HM Government, 2011, 72)

The onus on universities is to thus monitor the activities of student societies, notably in terms of ‘outside speakers’, and to refer any concerns they have about an individual who is perceived to be ‘vulnerable to radicalisation’ to the police in order to ensure action can be taken, notably via Channel. In a bid to target their activities on the correct people, i.e., those that are ‘vulnerable’, intelligence will be passed by universities to the police. Thornton (2011) addresses the relaying of intelligence by the University of Nottingham which subsequently informed the police’ actions and decisions taken under Operation Minerva – the author’s false arrest and detention. As well as relying on intelligence being passed by universities, the police also collect their own intelligence from university campuses using their own officers, as will be revealed in this chapter.

Since its introduction in 2006/07, allegations have been made that Prevent involves collecting information and intelligence, or ‘spying’, on the innocent activities of Muslims, including their political and religious views and activities. (Kundnani, 2009) The government, policy makers and police officers have consistently and constantly rejected this allegation, especially the ‘spying’ label. (Hanson & Malik 2010; Johnson et al 2010; Research, Information & Communication Unit, 2009) Though ‘spying’ may be an over simplistic term to describe a complex process of intelligence collection; suggesting covert surveillance, it is a fact that (overt) intelligence is nevertheless gathered, independently and in conjunction with universities, as part of the Prevent programme. The responsibility to collate low-level intelligence goes to the very heart of neighbourhood and community policing, and ties into the routine police task of ‘crime-prevention’. This chapter is concerned with examining how the crime-prevention model has been applied to protect those that are claimed to be ‘vulnerable to radicalisation’ at universities, including through the collection of intelligence and information, in conjunction with universities, in order to ensure pre-emptive action can be taken. It is ultimately this idea that reveals how counterinsurgency doctrine (which emphasises the collection of low-grade and general intelligence about suspected and potential terrorists and the wider population from which

suspected terrorists emerge, as discussed in chapter 6) has been embedded within counter-terrorism policy and is therefore operating on campus.

In order to therefore understand and contextualise how and why the surveillance infrastructure has been extended to university campuses through Prevent, this chapter opens by examining the alleged threat of campus 'radicalisation'. The chapter then examines how the police have attempted to embed Prevent into the existing structure of universities by claiming that 'vulnerability to radicalisation' should be viewed by members of staff in the same light as vulnerability to alcohol or drug abuse. The training programmes that have been rolled out in an attempt to train staff in detecting potential terrorists are also explored. The chapter then details how the police have utilised pre-existing relationships with universities to enable the collection of intelligence. The chapter examines the sharing of intelligence between universities, Special Branch, the Security Services (MI5) and permanently embedded campus police officers, who have a responsibility to collect intelligence on the alleged threat of campus radicalisation and terrorism, amongst other activities.

The chapter concludes by arguing that the incorporation of universities into the Prevent programme suggests that universities have become key battle-spaces for the shaping of ideas and views that maintain the power, interests and hegemonic hold of the political class, all in the name of countering terrorism. It argues that the piercing of universities by the state has a series of damaging consequences, including an unfair pressure on universities to use their judgement in determining who should be referred to the police as a 'potential terrorist', which can criminalise innocent people and innocuous activity, as the authors case discussed in chapter 2 reveals. It also leads to the collection of intelligence on lawful and innocent activity and dissent and reinforces the view that Muslims are an 'enemy within' thereby constructing them as a 'suspect community'.

Campus ‘Radicalisation’ and ‘Vulnerability’

Considering the level of counter-terrorism activity that takes place at universities, the question that is worth asking at the onset is - what is the nature of the alleged threat of terrorism on university campuses? Some writers claim that universities have long been ‘breeding grounds’ for the promotion of radical ideologies. ‘Since the 1930s’, write Glees and Pope in a pamphlet for the Social Affairs Unit, a neoconservative orientated think-tank, ‘there has been copious and incontestable evidence that the values of democratic tolerance and freedom of speech ... have repeatedly been exploited by groupings and individuals who do not support these values but work to exploit and undermine them’. (2005, 35) ‘Examples’, they state, ‘include: Communist and Fascist groups in the 1930s, 1940s and 1950s ... revolutionary student organisations in the late 1960s and 1970s, and Islamist, Far Right and Far Left groups today’. (Glees and Pope, 2005, 35) ‘British academe’ they contend, ‘has always been seen as a safe haven by the enemies of the open societies of the West’. (Glees and Pope, 2005, 35)

The debate surrounding the presence of ‘extremist’ Islam dates back to at least the 1980’s, with the presence of ‘radical’ organisations such as Hizb ut-Tahrir (HT) - and the now defunct and proscribed Al-Muhajiroun - which used university campuses to promote political Islam. (Whine, 2006; Taji-Farouki, 1996, 174) An examination of British broadsheet newspaper coverage (via Nexis) from 1986 until 2000 shows that press discourse in relation to British universities and ‘Islamic extremism’ has almost exclusively been to do with HT and Al-Muhajiroun. From 2004, both organisations, along with the ‘Muslim Public Affairs Committee’ (MPAC-UK) were proscribed by the National Union of Students (NUS) and subjected to its ‘no platform policy’. (Lewis, 2006) Though HT has been affected by this ban to some extent, they remained active in the 1990’s by operating under the cover of ‘front organisations’ such as the ‘1924 Society’. (Taji-Farouki 1996, 175; see Ahmed and Stuart 2009, 71)

The debate surrounding universities and ‘extremism’ resurfaced in the immediate aftermath of 7/7 when the ‘Preventing Extremism Together Working Group’, which was set up by the Home Office, stated that universities were being used for the ‘dissemination of extremist propaganda’, and such propaganda had the potential of leading to terrorism. (Home Office, 2005, 13) Similar claims have since been made by a number of individuals and organisations, such as the ‘terrorism expert’ Anthony Glees of the University of Buckinghamshire, who directs its ‘Centre for Security and Intelligence Studies’, the Quilliam Foundation (2010) and the Centre for Social Cohesion (CSC) (now incorporated into the Henry Jackson Society).

The CSC has lobbied for a tougher counter-extremism programme at universities because, they claim, ‘British university campuses are breeding grounds of Islamic extremism’, which are exploited by extremist speakers who ‘are given open and unchallenged platforms’ to claim that they are ‘mainstream representatives of Islam’. (The Centre for Social Cohesion, 2010, V, 7) The involvement of ‘extremist’ groups on university campuses, the CSC claims, exposes Muslim students to an ‘intolerant, politicised, and in some cases violent, interpretation of their faith’, which, in turn, creates conditions conducive to radicalisation. (The Centre for Social Cohesion, 2010, VIII, 1)

The ‘conveyor belt theory’ of radicalisation, which claims that extremism leads to radicalisation and radicalisation paves the way for individuals to become involved in terrorism, is promulgated by the CSC, and supported by statistics relating to the number of individuals who have been involved in terrorism and who have attended a college or university. From 1999 until 2010, the CSC claims, 21 people who have committed ‘Islamist related offences’ have ‘at some point attended university or a higher education institute.’ (Simcox et al, 2011, XI) The Prevent strategy cites the statistics used by the CSC; noting that they ‘roughly correspond to classified data about

the educational backgrounds of those who have engaged recently in terrorist-related activity'. (HM Government, 2011, 72) Of course, such a correlation is not a serious measure of causation.

These 'recent' cases relate to three high-profile cases involving 1 home student and 2 foreign students who have studied at British universities. The home student was Roshonara Choudary, who was in the final year of her undergraduate studies at Kings College London. Choudary had attempted to murder East London MP, Stephen Timms during a constituency visit in an alleged reaction, it was reported, to his vote supporting the Iraq war. According to press reports, Choudary 'became the first British person inspired by al-Qaida to try to assassinate a prominent figure on UK soil' and had been reportedly 'radicalised' by viewing online sermons given by Anwar al-Awlaki, (Dodd and Topping, 2010) though this claim of 'online radicalisation' has been challenged by some (Githens-Mazer, 2010) The second case involves Iraqi born Swedish citizen, Taimur Abdulwahab al-Abdaly, who graduated in 2004 with a degree in physical therapy from the University of Bedfordshire and went on to become a suicide bomber in central Stockholm in 2010. (Evans, 2010) The third, and most high-profile case, was that of the Nigerian national, Abdul Farouk Abdulmutallab, the so-called 'Detroit bomber', who attempted to detonate plastic explosives in 2009 on a flight from Amsterdam to Detroit. (Associated Press, 2012) Abdulmutallab was an engineering graduate from University College London (UCL), and had served as the President of the UCL Islamic Society. (Vasager, 2010) It was claimed that Abdulmutallab's 'radicalisation' took place whilst he was a student at the university. '[His] radicalisation from being a devoted Muslim to a suicide bomber took place in the UK', Anthony Glees told the *Telegraph*, 'and I believe al-Qaeda recruited him in London'. (Rayner, 2009)

In response to the attack and criticism for not doing enough to counter the threat of 'radicalisation', UCL set up an independent inquiry into Abdulmutallab's activities whilst he was a student. The inquiry reported 'that there is no evidence to suggest either that Umar Farouk

Abdulmutallab was radicalised while a student at UCL or that conditions at UCL during that time or subsequently are conducive to the radicalisation of students'. (University College London, 2010, 3) It later emerged in press reports that his 'radicalisation' most likely happened in Yemen as opposed to the UK. (Vasager, 2010)

Among the strongest critics of the theory of 'campus radicalisation' was the Provost of UCL, Professor Malcolm Grant. He contended that the link between terrorism offences and attendance at university is 'stupid' because such a correlation 'is simply a reflection of the fact that a large proportion of the population have been to university'. (Bentham, 2011) 'There seems to be no evidence', Grant notes, 'of a causal connection between attendance at university and engagement in religiously inspired violence'. (Bentham, 2011) '[A] common mistake in statistics', he contends, 'is confusing correlation and causation'. (O'Neill 2011) This point was supported by Respondent 8, a civil servant from the Department of Business, Innovation and Skills (BIS). 'There are clearly people who go to university and then go onto commit violent acts', she notes, 'but the university bit is irrelevant'. (2011) 'They just happened to be radicalised whilst they were a student, but they were not radicalised because of a university.' (Respondent 8, 2011)

None of the three cases fits the 'campus radicalisation' thesis without problems:

- al-Abdaly, was reportedly challenged at Luton mosque and thus opted to attend prayers and sermons at his university, where he was allegedly 'radicalising' as opposed to being 'radicalised';
- Roshonara Choudary was claimed to have been self-radicalised via the internet; and
- Abdulmutallab was 'radicalised' whilst in Yemen; not at UCL.

‘Some people [may] have been radicalised at university’, notes Respondent 8, a civil servant from the Department of Business, Innovation and Skills, ‘but not necessarily on campus.’ (2011) In other words, ‘radicalisation’ may take place whilst an individual is enrolled as a student, but this does not imply that they are being ‘radicalised’ on campus. This point is supported by the ACPO, who write in their Prevent guidance document produced for officers involved with universities that ‘it is not suggested that any university had a role to play in radicalising any of these individuals, or that conditions were conducive for radicalisation at their HEIs’. (Knowles, 2012, 30) However, it immediately notes that ‘the vulnerability to being radicalised ... could be identified by staff and students’, which helps in ‘preventing an act of terror’. (Knowles, 2012, 30)

While there is no causal relation between attendance at a university and radicalisation, universities should still monitor the signs of radicalisation. ‘[S]taff and students ... should be made aware of the signs of vulnerability’, the ACPO notes (Knowles, 2012, 30) Universities have therefore been assigned the role of monitoring their students and passing on intelligence to the police.

According to Respondent 8, there are three reasons for radicalisation occurring whilst an individual is a student at a university. Firstly, ‘people can be more vulnerable [at university] because they’re away from home for the first time’; secondly, ‘university can be quite a terrifying place’ and thirdly, individuals at university ‘are in the 18-24 age bracket, which is exactly the right demographic’. (Respondent 8, 2011) It is claimed that individuals are more susceptible whilst at university due to a change in their environment and surroundings. (Knowles, 2012, 25)

However, there is little published evidence to support this theory and – it seems as a result - universities have been somewhat apprehensive about fully engaging with the Prevent programme. ‘It is very frustrating for many people who are working with Prevent to not know

what the real risks are', notes Respondent 6, a member of the National Union of Students (NUS) Executive Committee. As a result there is 'a lot of mistrust [in relation to] what Prevent is about'. (2011) 'Our research', note Beider and Briggs, 'shows that [universities] are frustrated with the reluctance of police to share information [regarding the perceived threat]'. (2010, 53) 'The lack of evidence from the police or the government on the alleged threat encourages scepticism. "Talk to our Muslim and Jewish students and they will tell you that it is a non-issue: it just doesn't exist', notes the Provost of UCL, Malcolm Grant. (Lipman, 2011) Despite the fact that the threat of terrorism is contested and the reluctance of universities to accept that their institutions are somehow 'incubators of terrorism', they have still become involved in undertaking Prevent activity, and have therefore been trained to report potential terrorists to the police. As shall now become clear, partially, this is the case because stopping certain ideas being disseminated has been represented by the police as being part of a 'safeguarding' agenda in which protection of the 'vulnerable' is the objective rather than the goal being based on stopping dissenting individuals from undertaking and sharing counter-hegemonic actions and views that are deemed to be hostile by the state. This chapter now examines how the training programmes that seek to essentially make 'intelligence-assets' out of university members have been represented and implemented by the police to support their surveillance and intelligence infrastructure.

Training to Prevent

The police have taken charge of the Prevent programme, including the training packages used to equip communities and public institutions with the ability to detect 'vulnerability to radicalisation'. This is because much of the expertise for Prevent activity is based on officers who are experienced in crime-prevention activity. 'Normally, counter-terrorism officers would come from an investigative background', notes Respondent 4, an officer from the West Midlands CTU. (2011) 'They would be detectives and Special Branch officers [but] my background is partnership ... and multi-agency work ... my background is to sit around a table, talking to

people, airing concerns and priorities'. (Respondent 4, 2011) Prevent is therefore closely modelled on crime-prevention, which aims to work openly and in conjunction with the public, especially for the purpose of acquiring intelligence, to counter potential crimes. '[Prevent] is basically the same concept', notes Respondent 2, also from the West Midlands CTU, because 'we're trying to stop people from becoming criminals and committing criminal acts'. (2011)

Since its inception, Prevent has stated that it can only be successful if it is embedded - or 'mainstreamed' in policy parlance - within existing structures of public institutions and worked upon collaboratively not only by the police and communities but by statutory organisations such as probation, prisons, health and education. (Department for Communities and Local Government, 2008a, 4; 2008b, 26; HM Government 2009b, 25) In this sense, the 'crime-prevention' policing model, which already operates within public institutions such as universities, has permitted it to be incorporated without too much complication. The only concern related to the indicators that should be used to assess 'vulnerability to radicalisation' and this has been countered, to some degree, by specially devised training packages informing staff what to lookout for and what to do when reporting a potential terrorist.

The first training package is 'Operation Hindsight', which attempts to engage key practitioners within local authorities and statutory and voluntary agencies in order to educate them in how to spot 'vulnerabilities' within an individual that suggest they are potential terrorists. (Association of Chief Police Officers, 2011b) Operation Hindsight was created after Nicky Reilly, a 22-year old Muslim convert, who was reportedly 'preyed upon and radicalised' over the internet, attempted to detonate an incendiary device in an Exeter restaurant in 2008. (BBC News, 2008) Reilly, who had a history of mental health problems and suffered from Asperger's Syndrome, had informed NHS staff 5 years earlier that he wanted to detonate a bomb but staff had failed to refer him to the police for attention. (Respondent 2, 2011; Respondent 7, 2011) The Hindsight programme

therefore uses the Nicky Reilly example to inform members; not just from universities but public institutions more widely, that those individuals who may be ‘vulnerable to radicalisation’ should be referred to the police before they commit an act of terrorism.

Similar to Hindsight is the ‘Workshop to Raise Awareness of Prevent’, or the WRAP programme. WRAP aims to train and educate frontline staff members from statutory and voluntary organisations about the issues that make young people vulnerable to extremism and terrorism. The programme attempts to explain what the Prevent programme is and aims to educate members how to ‘identify vulnerability’ to terrorism. Participants are informed about the referral mechanisms and structures that should be employed when passing information to the police or other partners. At the time of data collection in 2010-11, WRAP was being created specifically for university audiences by the Office for Security and Counter-Terrorism (OSCT), but had not been implemented. According to Respondent 7, the programme was ‘not dissimilar to the original one’ but was ‘just shorter’ in length. (2011)

In addition to Hindsight and WRAP, two additional training programmes have been created and implemented by the ACPO under the supervision of Respondent 7 entitled: ‘Operation Bachelor’ and ‘Operation Graduate’. At the time of writing, they are being piloted in 2 universities, one in London and the second in Manchester, with a view to rolling them out across all universities. (Respondent 7, 2011) According to Respondent 7, the total cost for producing and rolling out Operation’s Bachelor and Graduate for 2011/2012 totalled to £1,000. (2011)

The aim of both projects is to enable police officers to attend universities to facilitate, listen and understand the concerns that students and staff have in relation to issues surrounding drugs, debt and alcohol, and to then connect these concerns and fears with issues concerning

‘extremism’ and ‘terrorism’, which, Respondent 7 notes, ‘are part of the same spectrum’. (2011)

Both programmes, notes Respondent 7, aim to explain to people at universities that

... If you’ve got concerns [about an individual being vulnerable to radicalisation] then speak to student services ... One of the options that the university have is to ring the police, but that will be the last resort ... [Operation’s Bachelor and Graduate are] all about safeguarding and duty of care ... It’s about looking after each other and the university.’ (2011)

To ascertain if an individual is ‘vulnerable’ to becoming a terrorist, ‘vulnerability indicators’ have been created to assist university members decide whether an individual should be referred to the police for attention. These indicators are based on assessing behavioural and psychological changes in order to determine whether somebody is a potential terrorist. The author asked Respondent 7 from the ACPO during the interview what would typically cause him enough concern for him to refer somebody as being ‘vulnerable to radicalisation’. He notes:

... You’re acting strangely. You’re not the same [person] that I knew a year ago. You’ve changed your appearance. You’ve taken world events as a very personal attack on you and the Ummah. These sorts of things would cause me concern. Not that you’re going to become a bomber, but that you’re vulnerable [to becoming a bomber]. (2011)

To measure whether an idea or a belief will manifest into a violent action, according to Respondent 3 from the OSCT, however ‘impossible’. (2011) The only solution, he notes, ‘is [to] rely on scientific research which tells us which other factors will lead people towards violent radicalisation’. (Respondent 3, 2011)

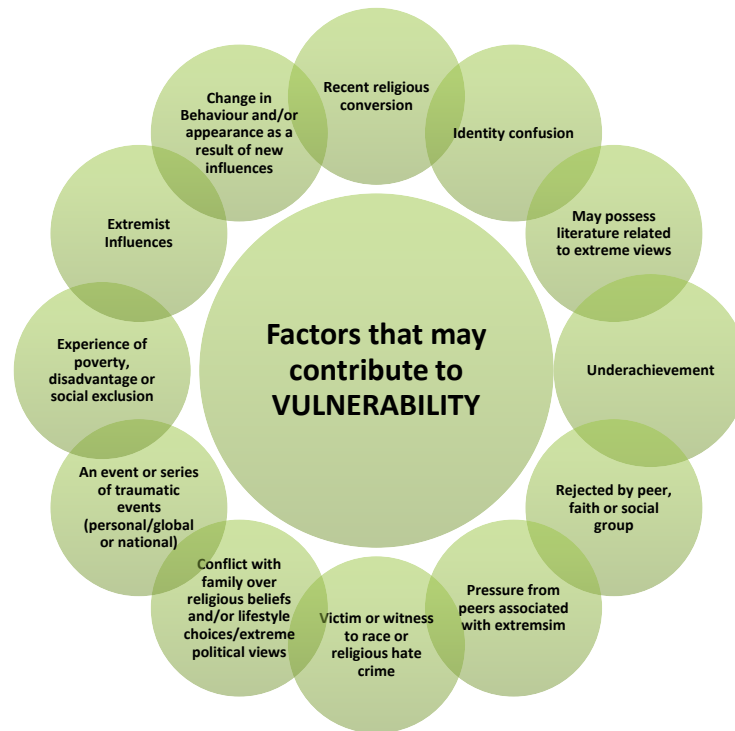


Figure 8: Indicators used to assess vulnerability to radicalisation (Knowles, 2012, 28)

In a Prevent guidance document produced for universities by the ACPO, a series of ‘factors that may contribute to vulnerability’ (see Figure 8) which are based on research conducted by Cole et al (date unknown) are included. (Knowles, 2012, 28) What is evident from this selection of ‘vulnerability factors’ is that most of these factors are extremely ordinary feelings and experiences to go through for young people, yet, they are listed as indicators that should be used by members of a university to assess whether somebody is a potential terrorist. ‘This is [only] a rough guide’, notes Respondent 7 and ‘does not mean that if you have [some] of these [factors], you are going to be a terrorist’. (2011) Instead, what is required in addition to these vulnerability factors, he notes, is a ‘gut-feeling’. (Respondent 7, 2011) The theory of ‘gut-feeling’, however, is riddled with problems as a ‘gut-feeling’ is based on personal judgements, preconceptions and prejudices

Respondent 7 notes that the police are not interested in receiving information directly from university staff but are more concerned about staff reporting any ‘vulnerabilities’ via the internal

referral structures, who then have the option of discussing the matter with, for example, the designated police officer (discussed later), who can decide whether further action needs to be taken. In other words, report the matter to the police but via the university as opposed to calling the anti-terrorism hotline or dialling 999.

Whilst such a process may reduce the risk to an individual who may be perceived to be a potential terrorist, a dilemma for the student support service staff will also arise. This is because student welfare staff will employ their 'gut-feeling' and understanding of 'vulnerability' using the indicators aforementioned when deciding if the 'suspicion' should be escalated to the police. This is, in essence, the problem with trying to take pre-emptive action based on behavioural and psychological behaviours as opposed to intercepting individuals that are breaking the law, and against whom there is evidence of criminal wrongdoing. 'Potential threats' are limitless.

To ascertain how many referrals were being made to the police via the internal referral mechanisms within universities, the author wrote to the 'Association of Managers for Student Services in Higher Education' (AMOSSHE), the national body which oversees the work of student support services. AMOSSHE stated that 'we do not hold the figures you require'. (Moledina, 2011)

According to Respondent 7, handing universities the responsibility for detecting the signs of radicalisation and referring these individuals to the police for attention is the best way for Prevent to move forward because preventing terrorism and extremism is the same as, for example, preventing people from taking drugs, committing suicide or participating in criminal activity. (2011) All these issues, he claims, either cause harm to the individual or to others in society and thus treating Prevent in the same way as issues surrounding vulnerability is nothing

sinister. (Respondent 7, 2011) I don't think being aware of people's vulnerabilities is police work, he notes. 'It's certainly not spying'. (Respondent 7, 2011)

The problem with requiring university members to refer those who are not involved in non-criminal behaviour to the police, however, means that universities are obliged to make 'value-laden judgements' on whether they consider an individual to be a 'potential terrorist', which, in essence, interpellates university members into the deeply politicised counter-terrorism agenda and greatly increases the likelihood of innocent individuals being criminalised, despite having committed no crime. The authors own case, as discussed in chapter 2, reveals this to be categorically true as does Jameel Scott's case, which was discussed in chapter 4. It also leads to the maintenance of intelligence on innocent political activism and dissent, and impacts the state's decision to subject individuals to some form of coercion.

Whether it is Prevent or Pursue that an individual is subjected to depends on an arbitrary decision-making process as opposed to evidence of actual violence or planning of violence, as shall become clearer later in this chapter and as has already been discussed in chapter 3 concerning the use of arrest and imprisonment of those individuals possessing or viewing terrorist propaganda. This blurring of boundaries between the two is now further exposed by reference to intelligence and surveillance, indicating how Prevent and Pursue operate in the same capacity and differ only in terms of the methods they employ. The chapter explores the methods used under Prevent for intelligence gathering to show how one of the central principal of counterinsurgency, which revolves around encouraging a greater focus on increased intelligence collection to dictate force and strategic communication activity (discussed in chapter 6) has been integrated into counter-terrorism policy and taken to campus.

Collecting, Sharing & Using Intelligence

Members of the public being the ‘eyes and ears’ of the police connects to the concept of community intelligence, in which members of a community pass the police information on suspicious activity and individuals to enable the taking of some form of action. The embedding of Prevent within the structure of the university, and asking universities to proactively be alert to those individuals who are showing the signs of radicalisation, and then referring these individuals to the police, is an extension of this concept to counter-terrorism domain.

Though private and confidential information concerning an individual is protected by virtue of the Data Protection Act 1998, where matters concern the prevention or detection of crime, confidential information can be shared with the police. This form of information sharing with the police is permitted under S.29 and S.35 of the Data Protection Act 1998, and under S17a and S.115 of the Crime and Disorder Act 1998, which authorises statutory bodies to pass confidential and sensitive information to the police if it is required for the purpose of preventing crime and disorder. Sharing information with the police for Prevent purposes on an individual who is perceived to be ‘vulnerable to radicalisation’ is therefore lawful. This is because terrorism is ultimately considered to be a crime and thus preventing a crime by sharing information is permitted; it is ‘crime-prevention’.

According to the Deputy National Coordinator for Prevent at the ACPO, ‘information sharing is conducted in order to prevent and detect crime of all forms’ which, in a university context includes not only ‘the prevention and detection of crimes such as bicycle theft, burglary and assault’ but also ‘the prevention and detection of terrorism’. (Collins, 2011) In other words, sharing intelligence with the police is an important task in taking pre-emptive action. However, the term ‘intelligence’, though largely used interchangeably with ‘information’, is a problematic term, according to Respondent 2 of the West Midlands CTU, who notes:

When we talk about intelligence, it's information. Information is a fairly innocuous word. When we say intelligence, which basically that's what it is – intelligence is information, which is then processed to come up with a result at the end of it - it's almost like we're wiretapping everyone's phones [and] we've got covert operatives sneaking up on people. (2011)

The ACPO therefore encourages police not to use the term 'intelligence' where matters involve Prevent because it might be perceived as 'spying'. 'The use of this word or even its suggestion' they note, 'should be avoided'. (Knowles, 2012, 10) The term that is used in policy parlance is therefore 'information'.

'Effective information sharing is vital to the delivery of Prevent', the Prevent strategy notes, because 'it [enables] partners to take informed action to tackle an identified threat'. (HM government, 2009b, 28) Respondent 2 makes a similar point: 'Information from all different areas and systems' is important because it allows the police 'to have a better understanding of what the problems are, where they are, and therefore gives [the police] some better clues as to where [to] target [their activity]'. (2011) Such an approach, he continues, is 'sensible' because it allows the police to be 'better informed' and 'better [at their] job'. (2011) In other words, intelligence is critical for the Prevent programme to ensure either Channel or arrests can be targeted. As shall become clear in chapter 6, this use of 'targeted' action is counterinsurgency principal, which, again, shows how counter-terrorism measures operating on campus are infused with counterinsurgency (i.e., war) approaches.

But intelligence collection is essential according to respondent 7. Had intelligence been passed on Andrew Isa Ibrahim, a college student from Bristol who was convicted in 2009 for

attempting to build a home-made explosive device that he intended to detonate at a local shopping centre, 'he would have been a classic Channel referral without any need for arrest', he notes. However, 'in order to get to that position, there had to be some form of intelligence gathering [and] information sharing'. (2011) This is one of the reasons why an enhanced relationship between the police and universities is encouraged; for intelligence purposes, but in addition to relying on universities to relay information, police also have their own operatives undertaking surveillance on campus.

According to the ACPO, most universities 'have a designated officer from the local Counter Terrorism Unit or Special Branch who has responsibility for liaising with university senior management, including the Chief Security Officer'. (Knowles, 2012, 35) A report produced by Universities UK also notes that universities routinely hold meetings with Special Branch, CTU and MI5 officers on issues to do with counter-terrorism and extremism whenever appropriate or necessary. (2011, 20) According to 40 universities that participated in a UUK survey, nearly all had regular contact with the police, over half had contact with Special Branch and CTU officers whilst a quarter had regular contact with MI5 (Universities UK, 2011, 20).

According to Beider and Briggs' research, which was undertaken on behalf of BIS, 'some senior university and college staff' within universities and colleges is 'security cleared' and therefore can gain access to 'local Special Branch briefings'. (2010, 54) Heads of Security, many of whom are former police officers, they note, 'can obtain information or informal briefings because they have pre-existing trusted relationships' that they developed during their time in the police service. (2010, 54) According to research conducted in 2011 by the Association of Chief Security Officers (AUCSO) – the findings of which were provided to the author – a total of 34 Heads of Security out of 116 British universities are former police officers. (Beesley 2011a; 2011b) This

means that 29% of university security chiefs can potentially receive informal briefings on counter-terrorism matters by utilising their personal relationships with former police colleagues.

Respondent 9, the Head of Security at the University of Bristol, who is a former police officer, notes that his relationship with the police is 'a pretty robust one' because 'some of the people that I deal with - the likes of Special Branch - I knew before in my previous career so that's kind of helpful' in ensuring that 'you can have, probably, a slightly more informal relationship which makes it a bit more informed because of that'. (2011)

When the author questioned Respondent 7 from the ACPO about such briefings, he said he would not be willing to accept that a Special Branch officer would brief a university security officer on a counter-terrorism related issue; not because 'it doesn't happen', he notes, but '[it would be surprising] if it did happen'. (2011) Respondent 7 did, however, state that informal advice being sought by university security officers from former police colleagues was an idea that the police were 'trying to encourage' because such a technique of working enables matters to be dealt with more effectively because they are informal. (2011) He notes:

If I'm a security officer at a university and I have got concerns that one of my students is going off and meeting people that I think have nefarious intentions, what do I do about it? Do I call 999 and get him arrested or do I speak to my former trusted colleague in the police and say I've got some concerns, what do you think? ... [D]eal with it low level, informally, rather than ringing 999 and there's a hope that a formal referral to the police is unnecessary. (2011)

Embedding Prevent within the university structure therefore enables the police and university to have a relationship that can function within a wider official framework but one which is

ultimately based on informal relationships and informal intelligence sharing. Whilst this may speed up the process and may make matters slightly more informed as a result, it nevertheless increases the possibility for potential acts of abuse to arise and innocuous information to be passed to the police. This can be seen to be happening to some extent in two intelligence entries that are being maintained by Nottinghamshire Police (2008a; 2008b) on their force intelligence system, included – verbatim – at Figure 9 and Figure 10.

E41 CIRRO1052154 14/10/2008 [redacted in original]

At the University of Nottm on the evening of the 14/10/2008 there was a call for a vote of no confidence for a member of the Students Union that was seen to have a piece of paper in his hand that on the front read Bring Back Slavery which has lead to a closed voting system at the University.

There was to be a protest in support of voting out this individual.

Yezza and Sabir along with the head of the Islamic Society may have turned up to the protest.

COMMENTS

Yezza is Hicham YEZZA dob [redacted by author] PNCID [redacted in original]

Sabir is Rizwaan SABIR dob [redacted in original] of [address redacted by author]

COMMENTS END

Figure 9: Nottinghamshire Police (2008a) Criminal Intelligence System entry

Nottinghamshire Police Intelligence Report

URN	CIRRO1008654
Subject	Tension Indicators
Grading	B11
Division	C City
Officer LAC	City Central
Intel LAC	City Central
Process	PO49542
Officer Source	[Redacted]
Source	Police
Event Date	20080424
Text	

During Wednesday 23/04/2008 there was a protest outside the Hallward Library Nottm University by a Palestinian faction protesting at Israels occupation of Gaza.

It was relatively low level and passed without incident.

However, there have been tensions between the two communities on campus during this educational year so it should be bore in mind that matters have yet not run their course.

Other References

Figure 10: Nottinghamshire Police (2008b) Intelligence Report

These entries reveal the type of intelligence that is collected by, and handed to, the police and subsequently logged on their intelligence systems. The first intelligence entry relates to a protest that the author did not attend and the second relates to two members of the University of Nottingham's student Palestinian Society who were on a hunger-strike and were camping outside the library for a period of 48 hours in order to highlight the involvement of the arms trade with the university. One of these entries (Figure 10) was collected prior to the undertaking of Operation Minerva but was being during it. It shows that lawful dissent is perceived to be indicative of something potentially sinister; hence monitoring and placing it on the intelligence system, and subsequently using it in an anti-terror inquiry.

According to the ACPO data retention guidelines, both of these entries will be maintained for a minimum period of 6 years, or indefinitely if 'necessary' for the purpose of crime-reduction. (National Policing Improvement Agency, 2010, 84) They can also be shared with all UK, EU and EEC law-enforcement agencies if and when required. Intelligence that is gathered on matters relating to suspected terrorist activity, according to Respondent 7, is logged in exactly the same manner as intelligence on any other crime or alleged crime. The only difference, he notes, is that intelligence on terrorism is 'more complex' and has a 'longer paper-chain'. (2011)

The process, generally, works as follows: information is logged on suspicious behaviour and criminal activity and then becomes accessible by all police forces through the Police National Database (PND). (Wiltshire Police, 2011) In addition to UK police forces, law enforcement agencies throughout the European Economic Area (EEA) and the European Union (EU) can access the intelligence too. This is determined through the National Intelligence Model (NIM) grading system. Intelligence is graded by 5 letters (A to E), evaluated with a score of 1 to 5 and given a handling code from 1 to 5. (HM Revenue & Customs, 2014)

To illustrate, the intelligence entry included at Figure 9 is graded as 'E41'. According to the NIM grading system, 'E' means 'Untested source', '4' means the content 'Cannot be Judged' and 1 means that the intelligence 'may be disseminated to other law enforcement and prosecuting agencies, including law enforcement agencies within the EEA, and EU compatible [countries]'. (HM Revenue & Customs, 2014) The grading given to the entry contained at Figure 10 is: 'B11', with the 'B' meaning that the source is 'Mostly reliable', '1' means that the information is 'Known to be true without Reservation' and '1' means that it 'may be disseminated to other law enforcement and prosecuting agencies, including law enforcement agencies within the EEA, and EU compatible [countries]'. (HM Revenue & Customs, 2014)

Prevent and Pursue, it is claimed, are separate strands of CONTEST that do not operate in the same capacities, but this does not take into account that for intelligence purposes, information is collected from a variety of different streams and sources, both overt and covert, in order to enable action, be it Prevent or Pursue, to be undertaken. This point is strengthened by the fact that the intelligence entries relating to the campus activity were being used during the course of Operation Minerva; a 'Pursue' inquiry.

The intelligence entries, especially that which is contained at Figure 9, according to the NIM grading system, seem to suggest that a member of the university community has relayed the information – i.e., it is community intelligence – hence the source is 'untested' whilst the entry contained at Figure 10 seems to be from a police officer – i.e., it is neighbourhood policing intelligence – hence it is graded as 'mostly reliable' and 'true without reservation'. What is also revealing is that one of the individuals who was involved in the protest outside of the university library, who was the President of the Palestinian Society, has a number of intelligence entries that are being maintained on him by Nottinghamshire Police, along with other members of the Palestinian Society too. These entries suggest that intelligence is collected from university

campuses on innocuous issues and lawful activities in order to monitor potential tensions that could arise and also to allow the police to take any pre-emptive action, if and when required. Using lawful behaviour, such as political protest and activism, coupled with behavioural changes, as being indicative of an individual's 'vulnerability to radicalisation' or criminality more generally, however, is problematic, because it justifies the acquisition of all types of intelligence on innocuous activity and innocent individuals in order to stop potential crime from occurring. The police in this sense have a permanent meal-ticket.

Another technique that is used to acquire intelligence from university campuses comes through the designated police officer scheme, in which uniformed police officers are permanently stationed at universities. This idea ties into the wider framework of neighbourhood policing which, former Assistant Commissioner Bob Quick notes, plays a 'very important role in countering violent extremists and indeed terrorists' and places them on the 'front line' of Prevent activity. (House of Commons, 2009, Ev 14) The designated police officer scheme is run and coordinated by the 'Police Association of Higher Education Liaison Officers' (PAHELO, 2014), whose objective, according to its website, is to work 'in partnership with Higher Education Institutions and their student bodies to reduce crime, and increase trust and reassurance'. There are over 50 individual police officers who are stationed at university campuses throughout England and Wales. (PAHELO, 2014) The universities who do not have a designated police officer, instead, have a member of the neighbourhood policing team who is assigned to a university and liaises and communicates with them on issues surrounding crime and crime-prevention. 'Campuses are worthy of their own identifiable police officer', the ACPO notes, in order 'to address ... issues of reassurance, crime reduction, community tension and *intelligence*'. (Association of Chief Police Officers, 2008, 3, author emphasis)

The concept of having police officers who are either assigned or embedded within universities is therefore connected to the idea of ‘neighbourhood policing’, which is based on, amongst other duties, maintaining relationships for the purpose of collecting intelligence; hence the National Coordinating Office of Special Branch, (NCSB) according to the ACPO, believes the idea of having a designated police officer is ‘key to supporting their objectives’. (Association of Chief Police Officers, 2008, 4)

Though having a full-time designated police officer situated on campus is a new initiative, dating back to 2001, when the PAHELO network was established, its roots go back to the ‘strategic relationship’ that universities and police have had since the 1980s and 1990s. (Respondent 10, 2011) What has changed since then, notes Respondent 10 is that universities – in a bid to attract new students – ‘have opted for a full time member of the police (and PCSO) service to be situated on campus by buying that service’. (2011) ‘A safe university campus which has a low crime-rate’, he notes, ‘is a selling point for universities’. (Respondent 10, 2011)

Though the designated police officer scheme began as an anti-crime initiative, it later incorporated counter-terrorism and Prevent activity within its remit too. Designated or neighbourhood police officers, notes Respondent 10, ‘are at the forefront of the Prevent programme’ because

when local neighbourhood police officers understand their communities, they get the information they require and are then able to feed it into the relevant systems to ensure that a response can be formulated. This is operationally fruitful because the local officer’s understanding and experience of dealing with the community and the terrain will be first hand. (2011)

In sum, collecting intelligence on individuals before they have committed an offence is an absolutely central component to taking pre-emptive action, which is the idea that Prevent is ultimately premised on. Incorporating Prevent into the wider framework of crime-prevention and neighbourhood policing ensures that the richest and most localised form of intelligence can be collected on the ground. However, because the police cannot merely rely on their own staff to collect the relevant intelligence, who are on the ground, they rely on university members (i.e., ‘community intelligence’) to assist in passing forward intelligence on those deemed to be ‘vulnerable’, notably via the internal structures that are already existent within universities, who then have the option to relay this information to the police. In order to ensure that intelligence is forthcoming, the police have nurtured relationships with members of the university, and in the case of over 50 universities, designated police officers who are permanently stationed at universities in order to, amongst other things, act as conduits for CTU officers and to collect and share intelligence on matters concerning suspected ‘terrorist’ or ‘extremist’ activity.

Conclusions

There is no threat of terrorism on university campuses. According to the government, however, students, due to a change in their environments and exposure to new ideas and views, are ‘vulnerable to radicalisation’. Though cases such as Roshonara Choudary and Abdul Farouk Abdulmutallab are cited as being examples of ‘campus radicalisation’, in reality these cases cannot be used to support such a thesis. . However, the lack of evidence of campus radicalisation has not deterred the police from presenting the Prevent programme as being an extension of a ‘duty of care’ agenda; claiming that ‘potential terrorism’ is a ‘vulnerability’ similar to excessive alcohol consumption or the consumption of illegal drugs – ‘they’re part of the same spectrum’, as Respondent 7 notes (2011).

In order assist universities in spotting vulnerabilities, the police have rolled out a series of training programmes that attempt to inform university staff of the ‘indicators’ or the ‘tell-tale signs’ of potential terrorism. These indicators are based on behavioural and psychological changes within an individual and include concepts such as ‘change in behaviour and/or appearance as a result of new influences’ and ‘recent religious conversion [to Islam]’. However, these indicators should be used in conjunction with what has been termed a ‘gut feeling’. There are three notable problems with this approach.

Firstly, loosely defined ‘vulnerability indicators’ in conjunction with a ‘gut feeling’, means that the net is cast wide and will result in targeting innocent individuals including those involved in lawful dissent and critical thinking. This can result, as discussed in relation to the author in chapter 2, in false arrest and detention for being involved in legitimate actions and can cause individuals to be subjected to Channel, as was the case with Jameel Scott, who’s case was discussed in chapter 4. The second problem is that comparing the action taken to protect individuals from excessive alcohol consumption or illegal drugs to terrorism is flawed since it is an individual’s potential actions as opposed to their actual actions that are being assessed. Therefore, coercive action is taken against people on the ‘potential’ that they will do something unlawful or criminal. This is a major problem of the counterinsurgency infused concept of taking pre-emptive action against suspected individuals. The third problem is that requiring universities to spot potential terrorist places unfair pressure on them to become an extension of law-enforcement. Again, this can cause false arrest, as was the case with the author, and the collection of intelligence on innocent and lawful activity, and all in the complete absence of all accountability mechanisms that can be used to hold universities to account if they do make an error. (Sabir, 2011)

In order to embed or ‘mainstream’ Prevent into the structure of public institutions, the police have incorporated Prevent activity into its neighbourhood policing and crime-prevention

structures. The purpose is to ensure that the richest and most localised intelligence on those who are considered to be potential terrorists can be collected and subsequently used to inform action. This focus on localised intelligence is rooted in counterinsurgency theory and doctrine and shows how counterinsurgency infused counter-terrorism has been taken to campus. Ultimately, such an approach means that innocent citizens will have intelligence maintained on them by the police for a minimum period of 6 years, and indefinitely if required for the purpose of preventing crime and disorder. It is claimed that Prevent is about stopping individuals from criminalising themselves, but the Prevent programme, and especially Channel, criminalise innocent individuals by treating them as ‘suspects’ based on legitimate, lawful and, in some cases, obvious democratic activities such as protest. It also reinforces stereotypical perceptions that Muslims are an ‘enemy within’ and thereby constructs the wider Muslim community as a ‘suspect community’. It also labels those who dissent, protest or engage in critical thinking as being ‘potential terrorists’ and increases the prospect of the more coercive action i.e., arrest and detention, being used against them. Finally, it also reveals how intelligence and surveillance are central to both Pursue and Prevent, which reveals that coercion is masquerading as persuasion, or both policies are one and the same. This linkage is further elaborated in reference to strategic communication in the next and final chapter.

Targeting innocuous activity, political protest and dissenting views is not the result of mistakes or ‘bad’ policy but a central part of counterinsurgency doctrine which views dissent and protest as being the first step towards terrorism. The final chapter therefore contextualises Prevent and Pursue through an examination of counterinsurgency doctrine and practice; arguing that counterinsurgency is a method of fighting non-conventional warfare which means that counter-terrorism policy is less about countering the tactic of terrorism and more about highly coercive action that is employed to control populations, resistance and public debate, especially where matters involve foreign policy. In order to show how this is done, the key ideas that constitute

counterinsurgency doctrine are examined, and how this doctrine epitomises the exercise of hegemonic power is subsequently revealed. As stated in chapter 1, the purpose for leaving discussion of counterinsurgency to chapter 6 has been to ensure it can be discussed in sufficient detail and to maintain a sense of presentational clarity.

Chapter 6

Counter-Terrorism as Counterinsurgency

Introduction

The previous three chapters have examined how counter-terrorism policy and practice is based on the use of exceptional measures that take pre-emptive and preventive action against terrorism. Though the Pursue strand claims to be in the business of pursuing terrorists, the introduction of legislation that authorises, for example, internment, control orders and prosecution without regard for terrorist intent suggests that rather than punishing individuals for crimes they have actually committed, there is a focus on punishing individuals for crimes they ‘may’ commit. The Pursue strand, in other words, has prevention at its core. The same logic applies to the Prevent programme, which claims that individuals who support the grievances and ideology that is espoused by al-Qaida are reinforcing its power and are therefore ‘vulnerable’ to becoming future terrorists themselves. They should thus be challenged and confronted before they ‘criminalise’ themselves. Though considered to be separate strands, Pursue and Prevent are both ultimately based on taking pre-emptive and preventative action and can therefore be seen to be complementary to one another.

The idea of using exceptional measures, pre-emptive and preventative programmes and attempting to influence the wider uninvolved population who might come to support or commit terrorism is a way of preventing conflict, which in military thinking is based on the axiom – it is better to prevent conflict than to fight it. This concept is also at the heart of counterinsurgency doctrine and practice. In order to therefore generate a contextualised understanding, it is vital to

understand whether some aspects of it have been integrated into counter-terrorism policy and practice.

This chapter therefore opens by examining what is meant by the terms ‘insurgency’ and ‘counterinsurgency’ and the manner in which the perceived threat of al-Qaida is claimed to be a globalised insurgency as opposed to a terrorist threat; implying responses should be based on counterinsurgency as opposed to policing. Those individuals who believe in an ‘extremist’ ideology are not involved in criminal or unlawful activity but are considered to be a part of the problem insofar as they reinforce the grievances and narratives espoused by al-Qaida. They are therefore targeted by the state with ‘strategic communication’ in order to alter/affect their thinking and behaviour. In order to use force against suspected terrorists or insurgents and to craft and target communicative activity at the ‘correct’ people means that information and intelligence is absolutely central. The chapter therefore examines the role that information and intelligence plays in counterinsurgency doctrine. The chapter then proceeds to examine how information and intelligence, coupled with academic research, is used to inform the development of ‘strategic communication’; a more complex form of propaganda that amalgamates information with other instruments of state power in order to influence a population to alter its thinking and behaviour, or win ‘hearts and minds’. The chapter then examines the activities of the UK’s strategic communication unit, the Research, Information and Communication Unit (the RICU), which leads on researching audiences and conduits that should be used for strategic communication or Prevent purposes. The chapter concludes by suggesting that the UK’s understanding of the threat of terrorism is more in-tune with what counterinsurgency theorists claim is a globalised Islamist insurgency, and thus the practices undertaken through Pursue and Prevent integrate aspects of counterinsurgency theory and practice; namely the use of exceptional, pre-emptive force and the use of propaganda and communicative activity that fits into the wider framework of ‘psychological warfare’. Such an approach, the chapter argues, blurs

the line between coercion (Pursue) and consent (Prevent), does not sit well with concepts such as human rights and leads innocent individuals to be criminalised and constructs the Muslim community as a 'suspect community'. It also reveals that counterinsurgency is the method of reinforcing and sustaining hegemonic power.

Old and New Counterinsurgency

Insurgency is a form of armed insurrection by non-state actors who resort to unconventional violence such as bombings, shootings and 'hit-and-run' tactics for the purpose of overthrowing a government or subverting a political system. Counterinsurgency is a subtype of irregular warfare, devised by Western nations, notably the UK, France and the US in response to insurgencies that emerged in, for example, Malaya, Algeria and Vietnam during the second half of the 20th century, to counter insurgents through a combination of military, law-enforcement and civilian measures.

Whilst counterinsurgency is warfare and is fundamentally based on the use of violence and force, this is not its primary focus. Instead, a large component of it is based on using communicative activity that is targeted at the wider population from which the insurgent stems in order to win their 'hearts & minds'. The population's 'hearts & minds' are targeted by the state because counterinsurgency doctrine claims that the population is the provider of, if not direct, then, tacit support to the insurgency; meaning that if the population is influenced to support the state, the insurgency will weaken and eventually cease to exist. Wars of counterinsurgency are therefore not fought through military force and violence that is targeted at the insurgency alone, but are, as noted by British counterinsurgency theorist, Frank Kitson, 'in the minds of the people'. (1971, 78) 'A revolutionary war', notes the French counterinsurgency theorist, David Galula, 'is 20 per cent military action and 80 per cent political'. (1964, 66)

Classical counterinsurgency doctrine, especially British doctrine – since the mid 1950's – has encouraged the closer integration of civil and military power, the use of limited force and an increased focus on the use of communicative activity (or 'propaganda'/'hearts & minds' as it is also termed) in order to fight wars of counterinsurgency. The British campaign in Malaya, which became known for its focus on countering the insurgency through a 'hearts & minds' approach has substantially informed counterinsurgency doctrine, notably the Ministry of Defence's (MoD) 'Keeping the Peace' manual, which was published in 1963. (Mockaitis, 1995, 135) Increased civil-military cooperation and communicative activity are themes that have been present in UK military doctrine ever since, and occupy a central position in the MoD's *Land Operations* series, which was first published in 1969 and 1970 and later revised in 1995, 2001 and 2009. (Ministry of Defence, 1969a, 1969b, 1970, 1995, 2001, 2009)

Though all counterinsurgency doctrine encourages the use of a combination of hard and what is perceived to be 'soft' power (i.e., 'hearts & minds'), modern counterinsurgency, which has expanded on classical counterinsurgency doctrine, suggests that responses for campaigns should be relative to the circumstances of the nation or society in which the campaign is being fought as opposed to being universal. One of the leading advocates of such an approach is the Australian counterinsurgency theorist, David Kilcullen, who has advised the US military in his role as 'Senior Counterinsurgency Adviser, Multi-National Force—Iraq' and advocates a 'hearts and minds' approach to countering insurgency. (Kilcullen, 2007a; Miller and Mills, 2010, 207) Kilcullen has also been influential in the UK. He has been cited by both Gordon Brown during his tenure as Prime Minister and by David Miliband during his time as Foreign Secretary. (D'Ancona, 2007) 'I think that some of the best thinking about terrorism', notes Miliband on his FCO blog, 'has been done by David Kilcullen'. (Miliband, 2009)

Kilcullen argues that there is no single solution to fighting wars of counterinsurgency and that measures which are relative to each conflict have to be devised in order to secure victory. 'Insurgencies, like cancers', he writes, 'exist in thousands of forms, and there are dozens of techniques to treat them. The idea that there is one single "silver bullet" panacea for insurgency is therefore as unrealistic as the idea of a universal cancer'. (2010, 1)

In order to understand the measures and techniques relative to the environment (or 'theatre') that should be employed, Kilcullen advocates a counterinsurgency strategy that aims to draw significant insight from the social sciences, and in particular, the use of 'conflict ethnography' that permits the counterinsurgent to develop 'a deep, situation-specific understanding of the human, social and cultural dimensions of a conflict'. (Kilcullen, 2007b) In wars of counterinsurgency, writes Kilcullen, holding a 'linguistic and cultural competence is a critical combat capability'. (2010, 222)

The emphasis on a deep-seeded linguistic and cultural understanding of the opponent is connected to Kilcullen's interpretation of the threat that confronts the US and its allies, which he considers to be a globalised Islamist insurgency as opposed to a tightly structured insurgent movement that is restricted to one country. '[D]ozens of local movements, grievances, and issues have been aggregated (through regional and global actors) into a global jihad against the West', he writes, and this allows regional and global actors to 'prey on, link, and exploit local actors and issues that are pre-existing' into a global structure, which makes 'the jihad so dangerous'. (2010, 214) Traditional counterinsurgency doctrine, or 'classical counterinsurgency', is optimized to defeat insurgency in one country, not to fight on a global scale but because the threat is 'global', and because there is no 'global government' that will merge and integrate the various components of the required counterinsurgency action-plan, not all insurgent activity can be blocked, according to Kilcullen. (2010, 187-88) However, blocking all insurgent activity is not

necessary in defeating it, in Kilcullen's view. The way to secure victory is not to pacify every insurgent theatre, he contends, but to neutralise 'those elements that link to the global jihad'. (2010, 202, 214)

Historically, Europe and especially the UK has been a safe haven for foreign dissidents who have suffered political repression in their own countries due to a relative amount of freedom and political rights, as discussed in chapter three. Europe, writes Kilcullen, links to the global jihad by acting as a 'theatre of subversion, fundraising and organizational development'. (Kilcullen, 2010, 174) It [IE – EUROPE] also holds, according to Kilcullen, enough of an alienated and marginalised Muslim community that can be manipulated and exploited by ideologues for material and recruitment purposes. (Kilcullen, 2007c, 653, 656) These ideologues, Kilcullen contends, are deeply embedded within Muslim communities; hence, the focus of policy should be on 'strengthening, protecting, and building networks of trust with at-risk communities' opposed to relying on the use of force, which has the potential to 'play into an opponent's hands', especially if it is used indiscriminately or haphazardly. (Kilcullen, 2007c, 655)

Any approach that is interested in countering the strategy of, what is claimed to be, a globalised Islamist insurgency by influencing the population more than it is interested in holding 'terrorists' to account is more akin to counterinsurgency than it is to counter-terrorism. This is because counter-terrorism is largely a policing matter that relies ultimately on the use of force whereas counterinsurgency targets the wider population through propaganda or 'hearts & minds' as a way of undermining the insurgent's strategy. (Mackinlay, 2008, 6)

Counterinsurgency prescriptions have fed into the UK's approach for countering terrorism, which is overwhelmingly based on using preventative force against facilitators, ideologues and 'potential' terrorists, whilst simultaneously attempting to make Muslim communities resistive to

‘extremist’ ideologies and narratives. Understanding the perceived threat of terrorism as a symptom of a globalised and international insurgency, which uses the UK for organisational purposes, indicates how counterinsurgency thinking has influenced UK counter-terrorism policy and practice. The methods that have been used for undertaking counter-terrorism work domestically, whether they fall under Pursue or Prevent, further suggest this, especially where matters concern ‘intelligence’.

In order to inform the use of minimum force against suspected terrorists or those who are involved in supporting or facilitating terrorism or insurgency abroad, and in order to inform any communications that attempt to win the ‘hearts and minds’ of Muslim communities, a constant supply of information and intelligence is required. For the latter purpose, information and intelligence is collected by the police, as discussed in chapter five, but for the use of force, whilst covert intelligence informs the undertaking of an operation, operations also lead to intelligence. In other words, intelligence and operations are complimentary insofar as operations need to be intelligence driven but intelligence comes from operations. Therefore, before examining the significance of intelligence in counterinsurgency doctrine, it is important to examine those exceptional measures that legalise the use of force, including arrest, investigation and detention; allowing the state to acquire intelligence.

Targeted and ‘Lawful’ Force

In counterinsurgency, winning the support, trust and loyalty of the population in order to undermine the insurgent’s strategy and existence is the objective of the campaign, which means that the use of lethal force (i.e., bombings and shootings) and non-lethal force (i.e., arrest, detention and investigation) must be tightly focused and used sparingly in order to prevent alienation. Though the use of force, if communicated, inevitably leads to fear and in this sense

can be used as a tool to control and cause compliance within the population, such a coercive method is unlikely to lead to any pro-active assistance being provided by the population, especially on matters concerning the location of insurgents, their activities and their plans, which are required in order to inform the use of force.

The state may be tempted, writes Mockaitis, ‘to opt for highly dramatic but largely ineffective (and perhaps counterproductive) actions’, including arresting and detaining ‘innocent citizens who belong to the “wrong” ethnic group’ but using force in such a way will lead to the ‘[non-cooperation] of these citizens, who probably have the background knowledge and language skills to help authorities catch real terrorists’. (2003, 35-6) There is, in other words, a balance to be struck between the use of force, maintaining the support of the population and the collection of intelligence. As a way of striking a balance, counterinsurgency doctrine encourages the use of non-lethal force, supported through the law, in which suspected insurgents and terrorists are arrested, detained or interned as a way of preventing violence, generating intelligence and maintaining legitimacy in the eyes of the population.

Classical counterinsurgency theorist Robert Thompson, (1966, 52-55) writing in the aftermath of the Malaya campaign and Frank Kitson, (1971, 69), writing during ‘the Troubles’, both encouraged counterinsurgency practice to be undertaken in accordance with the ‘law’. This does not mean that law should be subjected to the same processes that are ordinarily used in confronting crime and disorder but should be specially drafted in order to enable the taking of exceptional action, including preventative detention i.e., - internment. ‘Statute law can be modified by emergency law’, writes Thompson, ‘and laws of procedure and evidence can be simplified’. (1966, 53)

This prescription fed into numerous anti-terrorism laws that have been enacted in the UK, which do not test an individual's intent or connection to an actual terrorist conspiracy but rather relies on inferences and assessments being made on whether, for example, a piece of information or item can 'potentially' be used for nefarious purposes. The aim of simplistic laws that lower the evidential threshold and the remit of offences is also based on the counterinsurgency prescription that the law should be drafted and moulded in a simplistic manner to enable 'preventative detention' of those that are suspected of being involved in hostile acts. (Thompson, 1966, 54; Hocking, 1988, 84; Schlesinger, 1978, 115) 'Hostile acts' do not merely incorporate the planning or use of violence but would also include reinforcing or supporting the ideology of the opponent, or, as contained within the Terrorism Act 2006, the 'encouragement' or 'glorification' of terrorism, which makes certain speech unlawful, but, again, without an actual test for incitement.

The concept of 'preventative' detention was most noticeably incorporated into anti-terror legislation through the introduction of internment in the immediate aftermath of 9/11 until it was replaced with the control order scheme that was later renamed to TPIM's. Both are examples of legislative measures that are based on 'preventative detention' and are 'exceptional' in their reach when considered in light of traditional political and legal rights that are based on the principal of due-process in which the accused is presented with the incriminating evidence and subjected to prosecution as opposed to indefinite detention.

However, according to counterinsurgency prescriptions, preventative detention is entirely appropriate, especially if it is authorised under the law. Thus writes Thompson:

If the power to arrest and detain is clearly laid down within certain limits and the individual is given a full opportunity to appear, represented by counsel, before a tribunal

presided over by a judge, which advises the government whether or not the case against the detainee is adequate, then there are sufficient safeguards in place to prevent the power being used for purely arbitrary arrest'. (1966, 53)

In other words, so long as a judge overlooks the 'evidence' and so long as the detainee is represented by counsel, this suffices as a safeguard in the use of excessive powers. In essence, this means that a system such as the Special Immigration Appeals Commission (SIAC) is an appropriate safeguard for the use of what were initially internment and control orders and now TPIM's. Such a power is extremely exceptional when understood in the context of traditional political and legal rights, but according to counterinsurgency theory, is appropriate. The use of internment and control orders/TPIM's, to name two notable examples of preventative detention, highlight how counterinsurgency theory that advocates simplistic and exceptional laws have been incorporated into the legislative structure of the UK in order to counter the perceived threat of terrorism.

The use of law in guiding exceptional activity is also important because it provides legitimacy for the state. 'A government which does not act in accordance with the law', writes Thompson, 'cannot then expect its people to obey the law'; (1966, 52-3) hence acting in accordance with the law serves three purposes: it maintains legitimacy in the eyes of the population, it provides a sense of normality to exceptional measures and ensures that the population also act in accordance with the law. It seems that the introduction of legislation in counterinsurgency campaigns, in Kitson's words, is 'little more than a propaganda cover for the disposal of unwanted members of the public'. (1971, 69) It would seem in this sense that the types of laws that are encouraged in counterinsurgency theory and those that have been integrated into the legislative structure are more about influencing the perceptions of the population as opposed to

establishing the ‘guilt’ of suspected insurgents or terrorists. It seems that the law is, in Kitson words, ‘just another weapon in the government’s arsenal’. (1971, 69)

The introduction of exceptional and simplistic legislation that permits the use of pre-emptive and preventative action shows, firstly, that the threat seems to be perceived as being one of insurgency as opposed to terrorism, hence the integration of exceptional measures which are usually reserved for wartime exigencies into the UK’s ordinary legal structure; and secondly, the importance of the law seems to be focused, rather than establishing the guilt of terrorists and insurgents, on influencing the population and maintaining credibility, in addition to having the processes in place to acquire intelligence and information.

Whilst intelligence is collected through anti-terrorism operations and individuals who are detained and interned, it is also collected through, and on, the wider population not only to inform the use of future force but in order to devise appropriate communications. The collection of intelligence and information therefore forms an absolutely central principle of counterinsurgency, and, once again, has fed into counter-terrorism practice; hence it is to this issue that the chapter now turns.

Information & Intelligence

Subjecting suspected insurgents or terrorists to force is relatively straightforward considering the sweeping laws that the state possesses, coupled with the sophisticated nature of modern weaponry. Before force can be employed though, the state must know who the insurgents are and where they are hiding. Finding insurgents who operate within a population that camouflages them means that accurate and precise information is required. ‘If it is accepted that the problem of defeating the enemy consists very largely of finding him’, writes Kitson, ‘it is easy to recognize the paramount importance of good information’. (1971, 95)

According to counterinsurgency theorist, Richard Clutterbuck, (1990) who served in various 'theatres' and campaigns, including Palestine and Malaya, there are two types of information: 'background information' and 'contact information'. Background information comes from 'largely overt sources' that is collected by the police and military officers during the course of their duty and through the analysis of open-source information, whilst contact information 'enables security forces to find their enemies by knowing their intentions or likely actions'. (Clutterbuck, 1990, 12) One is based on 'open-source' intelligence and the other is based on what can be termed 'covert' methods that would rely on surveillance, informers and interrogations, for example. Whilst covert surveillance plays a significant role in counterinsurgency and counter-terrorism operations, intelligence does not have to stem from covert sources to be of use. In fighting modern insurgencies, Kilcullen notes, secret intelligence is less relevant than information which is not classified by any government. (Kilcullen, 2006, 11) According to Omand, 'much of the information that goes into making an intelligence assessment is available openly if you know where to look'. (2010, 22)

The nature of modern insurgencies, writes Kilcullen, is such that 'there is no single insurgent network to be penetrated but rather a cultural and demographic jungle of population groups to be navigated' and thus 'open-source research' and 'denied area ethnography' which provide a 'detailed knowledge of physical, human, cultural and informational terrain' is 'more critical' for successful counterinsurgency than is secret intelligence. (2006, 11)

'One of the main factors involved [in successful intelligence gathering] is continuity', writes Kitson. If a unit 'can stay in the same region for a long time, [it] is worth several times as many men who are constantly moved from one place to another, because of the background knowledge which the stationary troops can build up in a particular area'. (Kitson, 1971, 92) 'The

best intelligence’, notes the British Army Field Manual (AFM) ‘comes directly from the population’. (Ministry of Defence, 2009, 3-17) The placement of regional CTU’s and CTIU’s, which are permanent regional assets, is a manner in which the police build relationships and connection with the population in order to ensure an in-depth background understanding and knowledge of a particular region can emerge. ‘The real power and value of the current [CTU] network’, notes Yates, ‘is that it is embedded at the local level, where it picks up local intelligence [because] it is closely engaged with the communities’. (House of Commons, 2010b, Ev. 20) In other words, the counterinsurgency principal of using the population in order to acquire the ‘best intelligence’ has fed into the methods through which the police collect intelligence through its CTU network, especially under the Prevent programme.

The collection of intelligence under and for Prevent purposes is no secret. Objective 6 of Prevent clearly states that ‘develop[ing] supporting intelligence, analysis and information’ is essential to the successful functioning of entire strategy. (HM Government, 2009a, 80) The idea that intelligence is collected under Prevent from the population, and on the population, is supported by examining Figure 11, which is taken from a classified police document that was leaked onto the internet and relates to the Prevent programme. It shows that ‘all members of the community’ are targeted by the police almost entirely for intelligence collection purposes; along with those considered to be ‘priority groups’ (i.e., those considered to be ‘vulnerable to radicalisation’) and those that have not conducted violence, but are claimed to be ‘moving toward extremism’. (Association of Chief Police Officers (TAM) 2008, 11) This method of intelligence collation connects closely to counterinsurgency, which, as Figure 12 illustrates, states that utilising ‘intelligence networks’ across all levels, including the ‘population base’ (i.e., ‘all members of the community’), is to ensure ‘propaganda’ (or ‘strategic communication’ as it is termed in Prevent) can be appropriately crafted and delivered in an appropriate format to the correct audience. (Kilcullen, 2010, 8)

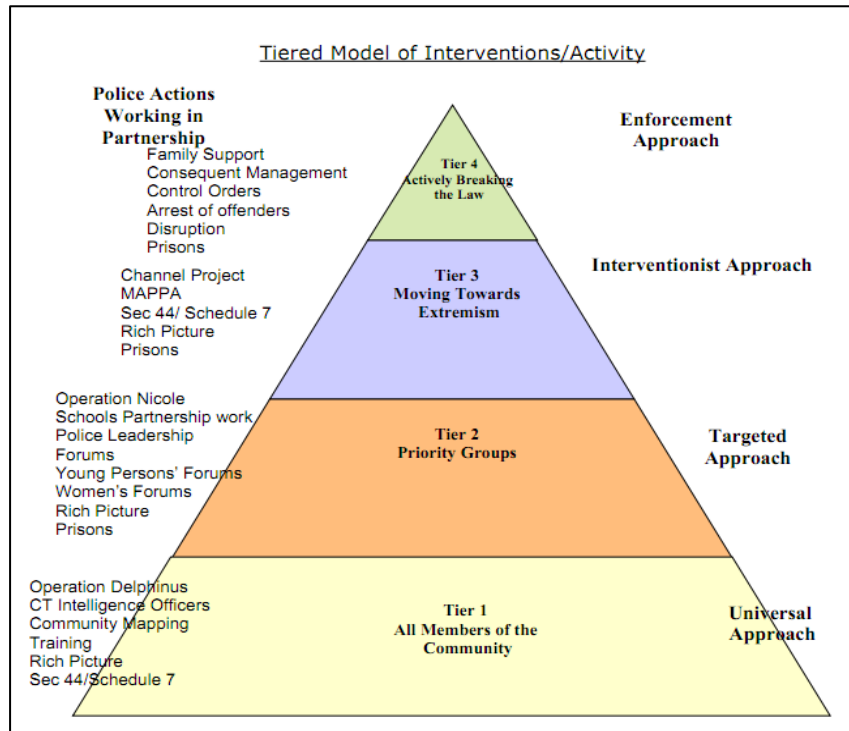


Figure 11: Breakdown of Prevent activity to be undertaken at all levels. (Association of Chief Police Officers TAM, 2008, 11)

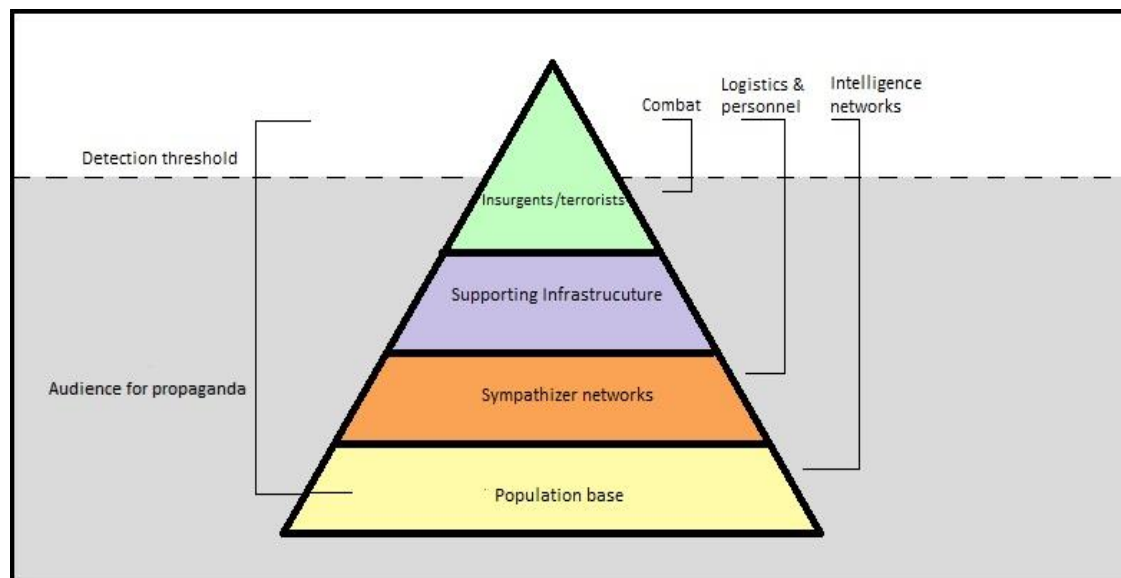


Figure 12: 'Surface and Subsurface Elements of an Insurgency' (Kilcullen, 2010, 8)

Again, this indicates how counterinsurgency prescriptions have fed into CONTEST, especially the Prevent programme.

The fact that Prevent is also police-led, and operates largely overtly through neighbourhood policing models, which have intelligence collection at their heart, also indicates that it connects closely to counterinsurgency. In counterinsurgency campaigns, notes Dixon, the police are considered to be the most 'suitable intelligence-gatherers' because they are 'more familiar with the terrain, culture and population [and are thus] more adept at gathering intelligence whether on or off duty'. (Dixon, 2009, 465; Jeffery, 1987, 118) They also have 'permanent roots in the country and [a] stronger local knowledge' which makes the process of collecting intelligence simpler for them. (Dixon, 2009, 448) According to Kilcullen, one of the most important requirements in a counterinsurgency campaign is to generate understanding of the drivers behind insurgency, which requires 'the need to constantly update that understanding as the environment shifts, to develop solid partnerships with reliable allies, to design, in concert with those allies, locally tailored measures to target the drivers that sustain the conflict and thus to break the cycle of violence'. (2010, 3-4)

In order to ensure localised intelligence is collected, under Prevent, specialised police officers such as 'counter-terrorism engagement officers' and 'counter-terrorism intelligence officers' (CTIOs) have been assigned the task of collecting and exchanging 'key bits of intelligence' on individuals considered to be 'vulnerable' to becoming involved in terrorism and locations that are considered to be used for the facilitation or planning of terrorist activity. (House of Commons, 2009, Ev.14)

One example of these officers created specifically for the West Midlands region under Prevent are Security & Partnership Officers (SPOs), uniformed (i.e., overt) counter-terrorism officers

who liaise with the Muslim community in order to develop trust and understanding which, in turn, helps develop localised intelligence on ‘key community locations’ such as ‘mosques’ and ‘community centres’. (West Midlands Police Authority 2010, 1) ‘If as a result of [a] relationship [between the local Muslim community and a SPO]’, notes Respondent 11 of the West Midlands CTU, ‘trust is built and somebody shares [intelligence] with one of [the] SPOs that they’re really concerned about [a] location, then, of course, [the police] want to use that information’. (2012)

This implies that officers, who have the specific responsibility to operate at the ‘lowest tactical level’ attempt to build ‘trusted networks’ within Muslim communities for the purpose of collecting intelligence. ‘Actions that help build trusted networks serve your cause’, notes Kilcullen, whereas ‘actions - even killing high-profile targets – that undermine trust or disrupt your networks help the enemy’. (2010, 37) However, what the development and nurturing of trusted relationships within the West Midlands region has done is ease the negative repercussions of any counter-terrorism activity, or the use of ‘force’. ‘When we’ve had terrorist arrests’, notes Respondent 2 from the West Midlands CTU, ‘instead of people waking in the morning and seeing Sky News and getting the wrong end of the stick ... we’ll phone them up an hour after it happened and say: by the way, this has happened’. (2011) Again, this highlights how counterinsurgency prescriptions on trusted networks and localised intelligence have fed into counterterrorism practice.

For intelligence purposes, the military are also involved in CONTEST. (House of Commons, 2009, Ev. 23) One specific example relates to the ‘Police Military Liaison Officer’ (PMLO); a post created in 2003, which is based on developing and sharing ‘understanding, knowledge and trust between the military and police’. (Ministry of Defence, 2010, 2-16) According to Kitson, the purpose of having a liaison officer that cooperates with agencies involved in countering insurgency and subversion is ‘to ensure that information gathered by the intelligence

organization reaches it [i.e., the military]'. (1971, 77) In other words, the role of the PMLO, amongst other things, is to ensure cooperation between the police and military for intelligence purposes. This is an important role considering that much of the activity that is undertaken by the military in overseas territories or 'operational insurgent theatres' such as Afghanistan can feed into domestic counter-terrorism activity, and vice-versa. (HM Government, 2009a, 59)

Whilst background intelligence is collected through various avenues, which include police and the military, it may not always be reliable and may not permit the taking of immediate action, but it is still of immense value. 'The system for developing background information', notes Kitson, 'only works if there is a lot of it to develop. It is not important that it should be immensely reliable because all that is needed is something on which to build'. (1971, 131) Whilst information and intelligence collected under Prevent may be limited in scope and inadequate for operational purposes in isolation, it is more useful when it is built-upon with other pieces of intelligence. The programme for converting random snippets of background information into actionable intelligence that assists in both Pursue and Prevent activities is known as 'Rich Picture', which is jointly owned by MI5 and the Police. (Bennetto, 2006; Powerbase, 2014f)

Rich Picture is fed information from a collection of sources with the aim of identifying 'investigative opportunities for both local and regional levels' (Metropolitan Police Authority, 2008) and 'helps identify individuals and areas within local communities which may present a risk or threat [to national security]'. (Dick, 2012) According to Respondent 11 of the West Midlands CTU, Rich Picture is useful in providing 'a sense of tensions within communities' and provides 'a flavour of what it is that [the police] know and what is it that [the police] do not know'. (2012) The information collected as part of Rich Picture comes from overt (i.e., Prevent) & covert (i.e., Pursue) sources. 'I'm not going to suggest', notes Respondent 11 'that there's a world of Prevent over there and there's a world of Pursue over here'. (2012) There is, in other words, an overlap

between Pursue and Prevent where matters concern the collection of information and intelligence; implying that there is an integration of the ‘softer’ and ‘harder’ components of counter-terrorism. The fact that Rich Picture has been ‘fully embedded into a business-as-usual activity’ and is involved in directing and influencing ‘local and national counter-terrorism ... activities’ (Dick, 2012) also suggests that the merger of Prevent and Pursue is systematic. Collaboration between the police, MI5 and the military for intelligence purposes suggests how intelligence collection and analysis – a cardinal principle of counterinsurgency doctrine – has been integrated into the very heart of counter-terrorism practice.

In sum, intelligence gathering is not only useful for detecting or disrupting insurgents or terrorists that are involved in planning or facilitating political violence or subversion, but is also used for generating a widespread understanding of the causes of a conflict in order to devise communications. ‘A hearts-and-minds campaign’, notes Mockaitis, ‘consists of soberly assessing what motivates people to rebel and devising a strategy to address the underlying causes of unrest’, (Mockaitis, 2008, 23–4) which can then be confronted through the use of appropriately crafted ‘strategic communication’ – as it is termed in policy parlance – campaigns. In wars of counterinsurgency, where the challenge is between the state and the insurgent for the support and loyalty of the population, the use of propaganda, which is known by various names such as ‘hearts & minds’ and ‘psychological operations’ (‘PsyOps’) is therefore an absolutely central component in influencing the population and undermining the insurgency. The chapter now turns to examine ‘strategic communication’ in military doctrine and counter-terrorism practice in relation to the UK’s official ‘strategic communication’ unit – the RICU, which was launched in 2007.

Winning ‘Hearts & Minds’ and Strategic Communication

In wars of counterinsurgency, the population is considered to be absolutely central to the survival of an insurgency. ‘The centre of gravity of an insurgency movement – the source of power from which it derives its morale, its physical strength, its freedom of action, and its will to act’, writes Kilcullen, ‘is its connectivity with the local population in a given area’. (2010, 7) ‘Without access to a mass base’, Kilcullen continues, ‘an insurgent movement suffocates, so cutting the insurgent off from the population is a critical task’. (2010, 8)

Influencing the population to change its thinking and behaviour in accordance with the desire of the state is a counterinsurgency principal. It is strikingly similar to the Prevent programme’s objective. There is a ‘larger group of people who feel a degree of negativity, if not hostility, towards the state’ notes Farr, ‘and who are, as it were, the pool in which terrorists will swim.’ (House of Commons, 2009, Ev 29) Reaching that group, Farr continues, ‘is essential because ... they will create an environment in which terrorists can operate with a degree of impunity ... That is to a degree what Prevent is all about’. (House of Commons, 2009, Ev 29) Though the population is not engaged in any unlawful or illegal activity, it is perceived to provide a favourable environment for the insurgents and therefore must be targeted by the state. This has a striking similarity with the type of activity that is termed ‘Influence Activity’ in counterinsurgency doctrine. (Ministry of Defence, 2009, 1-8)

‘[C]ounterinsurgency’, notes the Army Field Manual, ‘is as much about the battle of perceptions as it is about military operations targeted against insurgents’. (Ministry of Defence, 2009, 1-3) Changing the perceptions of the population is known by various names. The phrase ‘hearts and minds’, which was devised by Gerald Templar during the British counterinsurgency campaign in Malaya is one of the most well-known. It is used throughout policy documents relating to CONTEST, especially Prevent, but other terms used to describe activities that attempt to cause a

change in behaviour in favour of the state in military parlance include Information Operations (I-Ops), Psychological Operations (PsyOps), propaganda and, lately, 'strategic communication'.

There are numerous ways in which 'perceptions' can be 'influenced'. The most notable is through the use of actions that communicate messages. Due to the communicative characteristics of deeds, actions can have as much psychological impact on the target group as leaflets and broadcasts, and in this sense, aligning actions and words in order to communicate messages to an audience is central to causing a change in the behaviour and thinking of the population. (Ramakrishna, 2002, 13) 'All actions taken by military forces whether or not they involve the use of force have an effect and such effects [should] be considered as plans are drawn up and operations undertaken', notes the MoD's 2009 counterinsurgency manual. (Ministry of Defence, 2009, 1-7)

Though there is no unified or accepted definition of strategic communication, according to the MoD, it 'is primarily a philosophy' which is based on 'the alignment of words, images and actions' for the purpose of realising influence and causing behavioural change. (Ministry of Defence, 2012, 1-3) 'Traditionally in the course of conventional operations' notes Kilcullen, who is cited by the MoD in the UK counterinsurgency manual, 'we use information operations to explain what we are doing, but in counterinsurgency we should design operations to enact our influence campaign'. (Ministry of Defence, 2009, 6-2) Whilst all actions taken by the state, when relayed, will communicate a message, the difference with strategic communication is that it is a communicative practice that 'purposefully' aligns information with other instruments of state power in order to communicate messages. In classical counterinsurgency doctrine, information was used to 'explain' the state's actions, but is now used to fight the insurgent and influence the population, so rather than supporting weapons of war, information has become a weapon of war; blurring the line between 'kinetic' activity (i.e., the use of force) and communicative activity. In the context of counter-terrorism and counterinsurgency, where acts of force should be limited

in order to avoid alienation, strategic communication is thus considered to play a central role in achieving policy and strategic objectives, including behavioural change but without giving the impression that force or coercion is being used. Such thinking has been promulgated by its one of the leading advocates of strategic communication - Commander Steve Tatham.

Tatham, who has served as a public spokesman for the British military in Sierra Leone, Afghanistan, Iraq and Libya and has commanded the 15 (UK) Psychological Operations Group The Behavioural Dynamics Institute, 2014) describes strategic communication as ‘an extremely powerful tool that may hold the key to the dilemma of 21st century conflict’, and especially in the context of modern conflicts where ‘the military instrument may often not constitute the main effort but act in subsidiary, or supporting role to another instrument to deliver an enduring outcome’. (Tatham, 2008, 20, 2)

In traditional communicative practices, attempts to shape perceptions and manipulate cognitions to achieve a desired result is the objective but strategic communication is a more complex concept insofar as it combines, notes Tatham, ‘traditional civilian public diplomacy activities and traditional military effects’. (2008, 4) It is not, Tatham notes, the same as propaganda, spin or Media and Information Operations, which he describes as ‘inaccurate terms’. (2008, 5) Indeed, it is a more complex communicative practice that is highly coercive and can be better understood through the term ‘armed propaganda’. (Miller and Sabir, 2012b, 78-80)

The use of strategic communication has been incorporated into counter-terrorism practice, with Prevent forming the core strand through which it is undertaken. Strategic communication, as is the case in traditional communicative practice, requires an in-depth understanding of audiences and conduits that can be used to disseminate messages. Whilst intelligence, as shown in Figure 11, is collected from the population in order to ensure Prevent communications can be

appropriately devised, academic research is also undertaken to compliment the assessments and understanding formed through intelligence. The responsibility to coordinate strategic communication activity in the UK, including the research on target audiences and conduits, is the responsibility of the RICU, which has been specifically created for this purpose, and with the input of, amongst others, individuals linked to the military establishment, including Tatham. (Miler & Sabir, 2012, 23-4) Its activities are now examined.

The Research, Information & Communication Unit

The RICU's stated objective is to 'ensure that the UK Government communicates effectively to reduce the risk of terrorism' by issuing communications advice and guidance to 'agencies and bodies associated with the delivery of CONTEST' and to expose the 'weaknesses of extremist ideologies and brands' whilst supporting 'alternative voices' to Islamism. (HM Government, 2009a, 153) The RICU dedicates 80% of its resources to Prevent activity (Office for Security & Counter-Terrorism, date unknown, 9) and is controlled jointly by CLG, the Home Office, the FCO and the MoD. (House of Commons, 2009, Ev.21) A centralised communications organisation, notes Kitson, should be 'analogous in a sense to the intelligence organization' (1971, 77-8), notably because information is central to the communication process. The location of the RICU in the OSCT, itself part of the Home Office, which oversees the activities of MI5, is therefore no coincidence in this respect. The purpose of having a centralised communication unit is to ensure consistency in the message that is disseminated. According to Thompson, the role of a communications organisation is to ensure that 'the government speaks with one voice' (1967, 90).

The RICU does precisely this by playing, according to CLG, 'a central co-ordinating and supporting role on Prevent communications across Government'. (House of Commons, 2010a, Ev.203) According to Farr, the RICU's role is bigger than just advising government. The RICU,

he notes, advises ‘not just government [but] officialdom, from a brigade commander in Helmand province through to the Chief Constable in Yorkshire, about how they may wish to characterise the threat we face and describe the response that we are making’. (House of Commons, 2009, Ev. 20-1) Having a unified message campaign is essential to the successful operation of the strategic communication, according to Tatham. ‘Strategic Communication is a cross governmental, strategic activity in which the military is but one participant’, he writes, though it (i.e., the ‘military’) ‘should ... be an intrinsic part of the overall campaign plan’. (2008, 4) Again, having a unified strategic communication campaign, that advises government and ‘officialdom’ but one in which the military is ‘an intrinsic part’ shows how ideas promoted by military practitioners and contained within military doctrine have fed into the UK’s counter-terrorism structure and practice.

Where unified messages have to be created, understanding and identifying target audiences is absolutely central. Identifying target audiences is generically referred to as ‘Target Audience Analysis’ (TAA) which entails, according to the MoD, ‘the systematic study of the population [in order to enhance] understanding of a military psychological environment’. (Ministry of Defence, 2013, 2-5) TAA, according to Rowland and Tatham, can be based on ‘desk based research, expert interviews, simple polling if available, field-based structured depth interviews, and remote monitoring of current behaviour (perhaps using Intelligence)’. (2010, 3)

The intelligence that was gathered by the police under Prevent programme, according to the ACPO-TAM, was relayed to the RICU in order to ‘aid [its] understanding of police and community issues’. (Association of Chief Police Officers TAM, 2008, 8) In order to compliment the assessments made through intelligence, academic research on Muslim communities (i.e., the ‘target audience’) was also undertaken by the RICU from 2007 until 2009, some of which was released under FOI. (Powerbase, 2014g) In addition to this, the RICU also co-ordinates and

issues regular guidance on 'lines to take' across central and local government and beyond, by providing advice on the language that should be employed. Its four key messages (with the positive message first and the opposite negative second) are:

Terrorism is a real and serious threat to us all. Terrorism is not a real and serious threat to us all. The terrorist threat is exaggerated by the UK government

Terrorists are criminals and murderers. Terrorist attacks against the UK are legitimate

Terrorists attack the values that we all share. Terrorist attacks are justified by 'Muslim values'

We all need to work together to tackle the terrorist challenge. The terrorist challenge is primarily a problem for Muslims or Muslim communities to address. (TNS Media Intelligence, 2008)

These 4 messages are core to the RICU's activities and frame much of the UK's official counter-terrorism communications activity and enable the RICU to counter 'the propaganda that was coming to us from al-Qaeda'. (House of Commons, 2009, Ev. 20-21) In order to enable these messages to be targeted at those who are claimed to be 'vulnerable' to internalising 'extremist' propaganda, along with the conduits that should be used to relay the messages has led the RICU to undertake its own research. It found that the group of people who are 'vulnerable' to 'extremist' ideology and narratives are Pakistani, Bengali and Somali males, aged 18-30, hence 'the government wants to develop its communications' with this group. (Research, Information & Communication Unit, 2010a, 4, 13)

The RICU found that there were 3 segments to this group: the 'Angry & Alienated', the 'Frustrated but Open to Dialogue' and the 'Engaged & Concerned'. The division of British Muslims in such a manner, the research notes, was not a 'hard-and-fast division' but such a division 'allows governmental communicators to focus specific messages at specific groups, and it provides an indication of the areas where misunderstanding and hostility may arise'. (Research, Information & Communication Unit, 2010a, 1, 13) Breaking down the target audience in such a manner allows the RICU to understand what level of communication, either 'primary', 'secondary' or 'tertiary', should be directed at these groupings.

Primary Prevent communications are issued to 'everyone, usually from central government as ministerial speeches and departmental statements', secondary communications are 'delivered locally, to specific audience segments' and tertiary communications are 'targeted at particularly vulnerable groups and individuals, probably by specialist practitioners' for the purpose of 'chang[ing] behaviour'. (Office for Security & Counter-Terrorism, date unknown, 8). An example of tertiary communications would be the use of the 'Channel' programme, whereas secondary communications would be based on using, for example, 'mainstream' Islamic scholars to give lectures or talks.

'Identify[ing] individuals and organisations Muslim communities find credible at local, national and international level' was the objective of one research project that was undertaken by the RICU. (Research, Information & Communication Unit, 2010b, 1) This research found that that the people who were considered the most 'credible' for Muslims were family and friends, community figures, professionals, religious figures and a small number of political figures, media personalities and celebrities. (Research, Information & Communication Unit, 2010b, 30) The research also notes that an individual's 'appearance and manner' along with a series of 'qualities' were required in order for an individual to be credible. (Research, Information &

Communication Unit, 2010b, 2) The appearance and manner related to an individual being well-presented, interested in Muslim community issues and concerns, passionate, charismatic, articulate, and from an ethnic minority background, whilst the qualities s/he should possess ranged from being knowledgeable, empathetic, sympathetic, kind, honest, reliable, Islamic and strong in conviction. (Research, Information & Communication Unit, 2010b, 50)

Islamic scholars, for example, are seen to be ‘respected members of the religious community’ which gives them ‘immense credibility’ and can therefore be used, according to Marsden and Qureshi, to counter ‘alternative interpretations of the Quran and Hadith that espouse a violent response’ as being ‘inaccurate, and ... espoused by those uneducated in the true way of Islam’. (2010, 137)

Using credible conduits to relay messages on behalf of the government ties into strategic communication theory and traditional understandings of propaganda that are encouraged by counterinsurgency theorists such as Kitson and Tatham, and are included in contemporary counterinsurgency doctrine. ‘The most carefully and well-constructed messages in the world’, notes Tatham, ‘will not be heard if they are transmitted across an inappropriate medium’. (2008, 14) Similarly, Kitson notes that though the government may provide the ‘framework and the leadership for psychological operations’ it is important to incorporate individuals from an indigenous population. (1971, 78) Current counterinsurgency doctrine encourages the use of individuals from the community that the insurgent stems from (i.e., Muslim communities), and describes this as ‘Key Leader Engagement’ (KLE). KLE works in conjunction with PsyOps and attempts to ‘influence the local population and affect the will and understanding of the insurgent’. (Ministry of Defence, 2009, 6-3) However, for KLE to be successful, individuals and groups from the population must be seen to be ‘credible’ in order to ensure what they communicate is accepted by the target audience

RICU's research indicates that Islamic scholars and theologians are credible at undermining and cutting through the 'extremist' narrative, amongst others, hence projects such as the Radical Middle Way (RMW) that employs 'mainstream' Islamic scholars to promote a 'mainstream' form of Islam, as discussed in chapter four, are used for the purpose of influencing the population, and especially those considered to be 'vulnerable to radicalisation'. The FCO's 'Engaging with the Islamic World' (EIW) project, which funded Radical Middle Way, notes that 'the Muslim scholars and thinkers we are working with are amongst those most able to influence individuals who may be vulnerable to radicalisation'. (Foreign & Commonwealth Office, 2014) According to Jowett & O'Donnell, the persuader's voice is external but speaks in the language that resonates with the target audience because the sender and receiver are linked by symbols; hence the audience is convinced by the persuader with more ease. (2012, 38) For strategic communication activity to therefore be successful, messages that have a 'resonance' with audiences are not only required but conduits that can relate to the audience through shared symbols are also required, hence a large component of the RICU's research has attempted to understand and find suitable 'Islamic' conduits that can be used to deliver messages. Chapter four has discussed the close involvement of the Quilliam Foundation and the Radical Middle Way in carrying out activity relating to Prevent, but a discrete project that has been undertaken for strategic communication purposes and has used 'professional' Muslims or medical doctors as conduits, who are influential according to the RICU's research, (Research, Information & Communication Unit, 2010b, 30) is the 'British Hajj Delegation' (BHD).

The BHD, which was led by Lord Patel for 9 years, involved sending a delegation of doctors and consular officials to the Hajj pilgrimage in order to provide medical assistance and consular advice to UK nationals. (Agha, 2011) According to figures contained in Hansard and released under FOI, from 2004 until 2011, FCO funding for the BHD totalled to approximately

£555,000. (Agha, 2011; Lord Malloch-Brown, 2009, WA48) When information on the BHD was requested from the FCO under FOI, the FCO denied that the programme was in any way connected to counter-terrorism or Prevent activity. ‘Funding for the [BHD] is to enable support for British Nationals undertaking the Hajj’, stated the FCO in their correspondence with the author. ‘It is not and never was part of our programme of Prevent work’. (Edwards, 2010) However, the funding for the BHD was provided initially through ‘Engaging with the Islamic World’ (EIW) which aims to, amongst other things, ‘counter the ideological, and theological underpinnings of the terrorist narrative, in order to prevent radicalisation, particularly among the young, in the UK and overseas’. (Foreign & Commonwealth Office, 2014) Funding for the BHD, in other words, was coming clearly from a counter-terrorism funding stream. When the EIW was disbanded in 2007, funding for the BHD was then transferred to the newly formed ‘Counter-Terrorism Department’. (Agha, 2011) Again, the funding for the project was coming from a counter-terrorism stream.

The piecing together of information on the BHD, which suggested that the programme had a clear purpose relating to Prevent from what little information was provided by the FCO was eventually confirmed. The FCO, in a later disclosure under FOI to a journalist at the Guardian who the author had contacted, released documents that clearly state that the purpose of the BHD was largely to do with Prevent. ‘The Counter-Terrorism Department remain committed to the British Hajj Delegation’, note internal FCO documents, because ‘the delegation is a valuable and important part of Prevent work’ and because the BHD is the ‘subject of wider Prevent communications initiatives’. (Agha, 2011) The ‘wider Prevent communications initiatives’ basically mean communicating the activities of the BHD to domestic and overseas audiences in order to showcase the UK in a positive light in respect to its Muslim communities. According to the internal documents, an independent media company was funded by the FCO to make a documentary on the 2008 delegation. This was subsequently showcased to ‘various audiences in

the UK and internationally'. (Agha, 2010) 'The Prevent angle', the internal documents note, 'is clearly an excellent spin-off from the delegation's work'. (Agha, 2010)

What seems like a benign project in which health and consular assistance was being provided was in fact a 'hearts and minds' or strategic communication campaign that was about influencing domestic and overseas audiences, hence the BHD, according to the FCO, 'has played a prominent PREVENT role for CT colleagues'. (Agha, 2011) Again, this shows how counterinsurgency prescriptions surrounding strategic communication have fed into counter-terrorism practice and how the research conducted by the RICU on who to use as conduits, be they Islamic scholars, theologians or (medical) professionals, has been carried out in practice.

In sum, strategic communication has three objectives. Firstly, it intends to take some type of action that is coherent and unified, regardless of the level it is taken at; secondly, it attempts to generate an understanding of target audiences and conduits who can be utilised in relaying a message; and thirdly, it is about promoting messages through these conduits in order to cause a behavioural change in favour of the state. In this sense, strategic communication has a striking similarity with propaganda though, it is a more complex and new type of propaganda because it combines information with other instruments of state power, or non-kinetic with kinetic, in order to communicate a message that influences the population. Due to the amalgamation of non-kinetic with kinetic, strategic communication is a highly coercive communicative practice that can be better understood through the term 'armed propaganda'. The use of strategic communication for CONTEST purposes, firstly, shows the extent to which approaches encouraged in military doctrine play a central role in counter-terrorism practice and how Prevent, which is claimed to be the 'softer' side of counter-terrorism is in fact a misnomer and that Prevent activity is actually an extension of Pursue.

Conclusions

This chapter has examined counterinsurgency theory and doctrine in order to enable the formation of a contextualised understanding of the measures and practices that have been adopted under the CONTEST strategy, as discussed in the previous three chapters. The chapter has shown that the manner in which the threat that confronts the UK is perceived is closely related to that advanced by notable counterinsurgency theorists such as David Kilcullen; a global Islamist insurgency acting in the name of an ideology as opposed to a political agenda. In the context of this ‘global’ opponent, the UK is understood to serve as a base for ideological propaganda and organisational, recruitment and fundraising purposes rather than merely acting as a target for terrorists.

In order to weaken the global opponent, counterinsurgency theory encourages the targeting of those arenas that are central to the survival of the insurgency. In this sense, the use of force forms only one small component of the strategy that has been adopted by the UK. Instead, the UK’s counter-terrorism strategy pays substantial attention to influencing Muslim communities through the use of ‘hearts and minds’ campaigns, which have been formalised through the Prevent programme, in order to weaken the insurgents’ intellectual, ideological and material support base in order to precipitate its demise. The purpose of a ‘hearts & minds’ campaign is to challenge those individuals who subscribe to ‘extremist’ ideology and those who promote the ‘narratives’ and grievances that al-Qaida claims to represent, even if it is indirectly.

The Pursue structure has also been moulded to prevent acts that are considered to be hostile to the UK by subjecting propagandists, suspected facilitators and ideologues to preventative detention, initially through internment and later through control orders and TPIMs, whilst making those aspects of speech and activity unlawful which are either propagandistic or aimed at

supporting or facilitating domestic and overseas terrorism, and often without a test for actual involvement or incitement to terrorism.

In the context of the UK, the overwhelming focus of force is limited to its non-lethal form, which is notably undertaken through preventative detention and pre-emptive incapacitation. This is not to suggest that UK counterinsurgency doctrine does not encourage the use of kinetic activity. Instead, it highlights that counterinsurgency doctrine is based on employing those techniques and measures that are relative to a particular ‘theatre’ as opposed to having a universal model of countering insurgency. Of course, the use of non-lethal force comes with its benefits, notably that when detaining and investigating suspected terrorists or insurgents enables the collection of intelligence, which ultimately assists the state inform its future use of force and assists the state develop an understanding of the insurgent movement or network, which can subsequently be used to counter it.

Whilst the use of force is helpful in terms of collecting intelligence, it must, however, be used sparingly because force, whether it is lethal or non-lethal, can result in alienation, especially if used haphazardly or carelessly, and can reinforce the power and grievances of the insurgency. Ultimately, whilst ‘judgement’ is required when employing force, one way for the state to maintain legitimacy in the eyes of the population and to limit any potential blowback when they do use force is to create laws that are simplistic and wide-ranging in order to legalise and legitimise the use of exceptional measures, such as internment and preventative detention. This approach is encouraged by counterinsurgency theorists, such as Thompson and Kitson, whose thinking has influenced UK counterinsurgency doctrine. The UK’s anti-terror laws, which make exceptional measures such as preventative detention and internment lawful, and the prosecution of individuals without establishing their intent to commit an offence, reveals how

counterinsurgency prescriptions concerning the use of simplistic and exceptional laws have fed into counter-terrorism practice.

Whilst the use of force against suspected terrorists and insurgents will help develop an understanding of insurgent networks and their activities, which, in conjunction with surveillance and the collection of secret intelligence, can aid the state understand its opponent and inform the creation of responses, due to the fact that al-Qaida is considered to be a globalised insurgency, which does not have a single network that can be penetrated, the approach that is encouraged is one that is based on collecting background intelligence, and in particular, developing a cultural understanding of Islam and Muslims. The use of neighbourhood policing methods for the collection of background intelligence and a detailed knowledge of local communities, as discussed in chapter five, and the use of research methods undertaken by the RICU to compliment the intelligence picture highlights how such a prescription has fed into counter-terrorism practice.

The collection of information and intelligence, when processed, will generate understanding that assists the state to employ force, but the main purpose of collating 'background' intelligence is to inform the state's understanding of the grievances that drive a conflict and, in turn, the communicative activity that should be devised to influence the population in order to alter its thinking and behaviour so as to prevent support, even tacit support, being provided to the insurgency. In other words, the use of information is a pre-requisite to the formation of propaganda or a 'hearts & minds' campaign.

Conclusion

This thesis has examined domestic UK counter-terrorism policy and practice since 9/11 and its integration with counterinsurgency doctrine and practice. This integration has taken place because of the perceived nature of the threat which is directed from, what is termed, ‘new terrorism’. Unlike the national liberation movements of the twentieth century or ‘old terrorism’, ‘new terrorism’ is claimed to be different, both tactically and strategically. It is claimed to comprise of a global network that operates without a leadership or state-sponsorship; making it more resilient and less vulnerable to military attack. It is also claimed to have operational independence in choice of targets and methods of attack, which due to a lack of accountability to a leadership or state-sponsor means that it can act without regard for repercussions or consequences, implying it is more dangerous. It is also claimed that it can act without much logistical support and, due to advances in information and communications technology, can recruit and share propaganda with global audiences with increased sophistication and ease. Most importantly, however, ‘new terrorism’ is claimed to be a religiously motivated form of terrorism as opposed to being politically motivated. Its objective, it is claimed, is not the advancing of a political objective or agenda but a religious ideology for the sake of world-domination and control. The opponent is considered to be one that cannot therefore be negotiated or bargained with; implying that ‘total war’ is the only of defeating it.

Even though it employs ‘terrorism’, the opponent amalgamates religion and politics and widely held grievances to justify its violence, which means that the policies and practices used to confront it, it is claimed, have to be more than just based on ‘counter-terrorism’ or military/policing measures. Instead, all instruments of state power – civil, military, policing and judicial – must be integrated in order to challenge the opponent on all fronts – local, national and international. As discussed in chapter 3 and 4, the Prevent programme has manufactured and

pierced civil society organisations to ensure it can counter this opponent; not just militarily but through counter-ideology work. Integrating coercive power with civilian power is an approach that counterinsurgency encourages and uses. The use of civilian power or civil society in the UK, especially universities, is key because the opponent, which is deemed to be global, is claimed to use the UK as a base for subversion, recruitment, facilitation, propaganda and fundraising. The UK, is therefore largely involved in countering ideas and ideology; hence the significant amount of attention in policy that is given to universities; institutions that are ultimately involved in 'ideas'.

The focus on the countering of ideas has meant that domestic counter-terrorism policy and practice, rather than trying to militarily defeat the opponent, is significantly structured to challenge those individuals who are considered to be either potential terrorists or terrorist propagandists, or more simply 'non-violent' or not involved in operational terrorism. Incapacitating them is considered to be a key step in weakening the 'global Islamist insurgency'. Counter-terrorism policy and practice in the UK since 9/11 has therefore done precisely this under the policy headings of Pursue and Prevent.

In policy, Pursue is claimed to be based on using force against suspected terrorists/insurgents and Prevent is meant to be about persuasion that is used to lead individuals away from holding, supporting or propagating 'extremist ideology'. Both policies are based on taking 'pre-emptive' action against 'potential' terrorists and potential supporters of terrorism. Using pre-emptive and preventative action are key counterinsurgency principals, and both have been integrated into Pursue and Prevent. However, both aim to incapacitate those individuals largely involved in what are viewed as 'hostile' or 'extreme' ideas, notably because they are considered to be the root cause of terrorism. Viewing dissenting behaviour as being the first step towards terrorism is what counterinsurgency/counter-subversion doctrine is based on, and shows how such an approach

has been woven into counter-terrorism policy and practice. The most obvious integration of counterinsurgency into counter-terrorism has been under Pursue, which encourages the use of exceptional and lethal measures to incapacitate suspected terrorists.

Since 9/11, all UK counter-terrorism laws have been 'exceptional'. This included the Anti-Terrorism Crime and Security Act 2001 that introduced internment, which later evolved into control orders and then, TPIMs. All three are based on using preventative detention to pre-emptively incapacitate those individuals claimed to be either involved in plotting, facilitating or propagating 'terrorism', at home and/or overseas. This example shows how the counterinsurgency principles of taking preventative and pre-emptive action against individuals for a crime they have not committed have fed into counter-terrorism practice. The example of exceptional legislation is not restricted to indefinite pre-charge detention or house arrest but also include offences which seem to be 'normal', but, because they completely disregard 'intent', are exceptional. Section 58 of the 2000 Terrorism Act 2000, as discussed in chapter 3, is a case in point. The offence relates to the possession of information that can be of practical use to terrorism but allows the Crown to prosecute individuals regardless of their intent.

This is an exceptional power that permits the state to use force against individuals not based on what they have done, but based on what might be done with information they possess. Again, this shows how the law has been structured to take 'preventative' and 'pre-emptive' action. Both are counterinsurgency principles. Also, the fact that people are being prosecuted for possessing terrorist propaganda without consideration of their intent, as discussed in chapter 3, shows that a counterinsurgency infused counter-terrorism policy has blurred the line between coercion (Pursue) and consent (Prevent). The same logic applies to speech offences introduced in the aftermath of the 7/7 attacks under the Terrorism Act 2006. It is an offence to encourage or promote terrorism, whether it is direct or indirect, and regardless of the context in which the

‘terrorism’ is being encouraged. Supporting a foreign insurgency against a despotic leader is as much an offence as encouraging an individual to blow up the UK Parliament. Again, what makes the offence exceptional is that the Crown can prosecute an individual without testing to see if an individual’s words in fact encouraged or incited somebody to commit violence. The law is as much about legitimising draconian action in the view of the public as much as it is about enabling the state to pre-emptively incapacitate those individuals who support political violence and resistance overseas, without due consideration of the context. What such an approach also reveals is that people are being subjected to imprisonment for promoting and propagating ideas and views under Pursue when this is an area claimed to fall under the banner of Prevent. Again, this shows how the boundary between coercion and consent has been blurred, and how coercion is being used to threaten and cause a change in behaviour amongst wider populations. It is the polar opposite of what is claimed to be persuasion.

Counterinsurgency prescriptions have also been integrated closely with Prevent. The biggest clue that Prevent is a counterinsurgency programme masquerading as counter-terrorism is based on the simple fact that it is known as the ‘hearts & minds’ component of the UK’s counter-terrorism strategy; a term used interchangeably with concepts such as ‘psychological warfare’ and ‘propaganda’ in counterinsurgency doctrine. Indeed, General Sir Gerald Templar’s preference for employing psychological operations and propaganda techniques during his role as ‘supremo’ in the UK’s counterinsurgency campaign in Malaya is where the term ‘hearts & minds’ has its origins. (Dixon, 2009b, 353)

The overarching objective of Prevent is to change the behaviour of individuals who are claimed to be most likely to become involved in political violence and to change the behaviour of Muslim communities more widely so as to ensure that they do not provide any tacit support to terrorists and insurgents. Influencing the community to alter its behaviour and ensuring it does not

support the ideas and narratives of the ‘terrorists’ will, it is claimed, ‘prevent’ terrorism because it will draw a distance between the insurgents/terrorists and their support base, which is the population (or the Muslim community in this context). There are three components to Prevent which have been directly integrated with counterinsurgency prescriptions that are worth summarising.

The first revolves around the collection of intelligence on individuals and localities in order to inform the use of force and who should be subjected to targeted strategic communication activity, or ‘de-radicalisation’, as examined in chapters 3, 4 and 5. The information that is collected under Prevent is logged on a police and MI5 intelligence system known as ‘Rich Picture’. In this sense, Prevent serves to complement the UK’s surveillance infrastructure and shows how the use of overt intelligence – a method encouraged in counterinsurgency doctrine – is a central part of the policy. Again, this shows integration between counter-terrorism and counterinsurgency and the blurring of boundaries between Pursue and Prevent.

It also shows individuals not involved in ‘terrorism’ but who oppose some aspect of UK government policy come to be targeted by the state through its surveillance and intelligence infrastructure in order to assess whether they have the ‘potential’ of becoming involved in terrorism. Prevent is claimed to be about ‘persuasion’, but the very fact that it serves as an extension of the UK’s surveillance structure makes it a ‘coercive’ programme. As discussed in chapter 1, when individuals know they may be the subject of some form of surveillance, regardless of whether it’s overt or covert, they fear being subjected to ‘force’ which creates a threat of force (i.e., ‘fear’) and this causes an alteration in their behaviour without them having to be directly subjected to force. Prevent, which is the policy heading through which overt intelligence is collected, is claimed to be about persuasion, but its close connection to surveillance and intelligence makes it a coercive programme that spreads fear in order to

‘prevent’ the dissemination of ‘radical’ or ‘extreme’ ideas. Prevent, in other words, is ‘coercion’ masquerading as ‘persuasion.’

The second component of Prevent is based on undermining and countering 'extremist' ideology through the use of ‘mainstream’ Islam via Muslim conduits such as religious scholars, former ‘extremists’ and local community and Islamic organisations. This fits with the counterinsurgency principle of using individuals from the community from which the insurgent stems in order to inform the nature of propaganda, along with its dissemination. This activity in modern counterinsurgency doctrine falls under the term: 'Key Leader Engagement'. Both show integration between counterinsurgency doctrine and counter-terrorism practice. Also, the use of a ‘mainstream Islam’ against ‘extremist Islam’ is a way of separating and isolating the ‘insurgents’ from the ‘population’, a concept known as ‘draining the swamp’ in counterinsurgency lexicon. Again, this shows how counterinsurgency prescriptions have fed into counter-terrorism policy and practice.

The manufacturing and piercing of civil society through the Prevent programme also shows that the state has provided the Muslim community, or ‘moderate’ Muslims, with resources in order to maintain legitimacy. If they do not, however, play according to the agenda set by the state, these resources are threatened with termination. This shows that Prevent is about shaping resistance and grievances in a manner that reinforces and sustains the state’s power as opposed to allowing civil society to determine what action should be taken to address the threat of terrorism which is based on a culturally nuanced understanding of problems as they exist on the ground. Also, because resources are threatened with termination if manufactured civil society groups do not spread shared values shows that rather than being about persuasion and working in ‘partnership’ with communities, Prevent is a coercive policy that is forcing communities to take actions that reinforce state power, interests and its top-down understanding of the perceived threat. The

piercing of more established civil society organisations such as universities reveals that ideas are also being externally imposed on institutions that have historically been associated with being autonomous spaces. There are of course multiple problems with piercing universities and compelling them to participate in counter-terrorism activity.

Universities are meant to be places in which ideas and free-thinking flourishes, but the constant presence of Prevent and the fear of being subjected to some kind of intervention/action by the state weakens the biggest bulwark against terrorism – discussion and debate. IN this sense, government policy can be said to be increasing the likelihood of terrorism since political violence is a response, as discussed in chapter 1, of the failure of counter-hegemony to bring about meaningful change through peaceful and civic ways. Secondly, compelling universities to undertake counter-terrorism work means that individuals such as the author and Jameel Scott (as discussed in chapters 2 and 4) can find themselves being subjected to coercive action, even though they are not involved in unlawful, illegitimate or anti-democratic activity. Thirdly, looking out for ‘potential’ terrorism criminalises a whole array of legitimate activity and leads to, as shown in chapter 5, the amassing of intelligence on innocent individuals for no seemingly credible or justifiable reason. This not only increases the chances of force being used directly against them because they are considered to be known subjects; hence they are on the ‘radar’ but creates conditions in which individuals feel under siege and are thereby less willing to engage in a political system and process that they consider to be unfair and discriminatory. The way to counter the threat of terrorism is through opening up discussion and debate, but the Prevent policy aims to close debate down; suggesting that the policy is more about social control, the will to dissent and about maintaining ideological hegemony than it is about the countering of operational terrorism in any meaningful way.

In order to maintain its hegemonic grip, 'strategic communication' has been integrated into counter-terrorism policy – the third and final component of Prevent. As discussed in chapter 6, strategic communication is a practice that is used by the military in counterinsurgency campaigns under the umbrella term of 'Influence Activity' and 'Information Operations' (I-Ops). It is based on causing behavioural change in people and populations in favour of the state by undertaking highly coercive actions in order to communicate messages, or in military parlance, to integrate non-kinetic with kinetic.

As discussed in chapter 1, the use of force, whether it is 'shoot-to-kill' or exceptional arrest powers, pre-emptive prosecution, the use of internment, house arrest and so on lead to threats of force, if communicated, which inevitably leads to 'fear' that can influence people (and the Muslim community in particular) which thereby causes an alteration in behaviour. In this sense, all communication documenting the use of force is, by default, coercive. Strategic communication, however, is different. It 'intentionally' uses force for the purpose of communicating a message in order to influence and control people. The purpose of using it is to threaten individuals and populations into behaving (or not behaving) in a way that challenges the state. In this sense, it aims to control and contain resistance and dissent.

The fact that it forms a central pillar of Prevent reveals how counterinsurgency doctrine has been synergised with counter-terrorism policy. It also shows the boundary between Pursue and Prevent is arbitrary and non-existent in reality. Most importantly, it shows that Prevent is not merely about propaganda but, due to its reliance on force/hard power *and* manipulation, is an extremely coercive policy that actualises 'armed propaganda'. Prevent is claimed to be about 'persuasion' but the fact that it is the 'strategic communication' component of the strategy reveals that it is ultimately 'coercion' that is being used to *prevent* ideas, views and activities that

are claimed to cause ‘terrorism’; not ‘persuasion’, which relies on all information being put on the table in order to find ‘solutions’.

Employing a counter-terrorism policy that is closely integrated with counter-insurgency doctrine that is used for fighting ‘wars’ means that ‘normal’ liberal democratic rules are suspended and higher levels of coercion, violence and discrimination become the norm. Counterinsurgency is war, writes Kilcullen, and ‘war is a form of armed politics, and politics is about influencing and controlling people and perceptions’. (Kilcullen, 2004, 13) Counterinsurgency approaches in this sense are profoundly inimical to democratic principles such as the right to due process, not to be criminalised for dissent or nonviolent protests and to be ‘free’ but targeting individuals through and their activities on the grounds that it may ‘potentially’ lead to challenge criminalises innocent individuals and their democratic right to dissent and protest, whilst constructing the Muslim community as a ‘suspect community’.

When examining counter-terrorism through a tactical framework, like much of the literature on UK counter-terrorism until date has, such actions are perceived to be a consequence of ‘bad’, ‘counterproductive’ and ‘ill-informed’ policies and practices, but, when taken out of the tactical framework and examined through the ‘strategic framework’ of counterinsurgency, the tactics and measures employed amount not to an unintended consequence of ‘ill-informed’ policy and ‘bad’ tactics but rather to a conscious planning of a campaign of coercion against dissent from Muslims in particular, and those who stand with them more widely. The measures being used by the state are not ‘reactive’ or ‘passive’ but are ‘pro-active’ and strategically driven in which exceptional force and lethal violence is used to dominate and control populations and communities. The state’s actions therefore come closer to ‘state terrorism’ than they do to ‘counter-terrorism’.

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